

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: May 17, 2011

Consent       Regular  
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: COMMISSION ON ETHICS

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: an ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Code of Ethics, Ordinance 2009-051, as amended, and adopting a new countywide Palm Beach County Code of Ethics; providing for title and statement of purpose; providing for definitions; prohibiting certain conflicts of interest and creating voting conflict standards; providing for a gift law; providing anti-nepotism law; providing for ethics training; providing for non-interference; providing for administration, enforcement, and penalties; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for an effective date.

**Summary:** The Board of County Commissioners adopted the Palm Beach County Code of Ethics as part of a series of ethics reforms begun in December 2009. Since then, the Board proposed charter amendments requiring in part the adoption of a countywide Code of Ethics that would apply to the municipalities in Palm Beach County. The charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to propose recommended changes to the existing Code of Ethics for countywide application. This ordinance is the product of the committee's work. A brief description of substantive changes to this ordinance is included as Attachment 3. Countywide (LB)

**Background and Policy Issues:** The Palm Beach County Code of Ethics will apply to all county and municipal officials and employees, lobbyists, their principals and employers, and vendors. The code includes a comprehensive regulatory framework which includes defining and prohibiting certain conflicts of interest, gift law requirements, and anti-nepotism rules. The code provides a more comprehensive and stringent regulatory framework than the state's Code of Ethics.

**Attachments:**

1. Ordinance
2. Strike-through/underline version for comparison purposes
3. Brief description of substantive changes

Recommended by: \_\_\_\_\_

Alan Johnson, Executive Director

05/09/2011  
Date

Approved by: \_\_\_\_\_

N/A

Date

**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

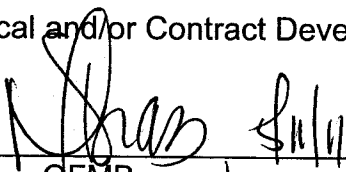
Reporting Category \_\_\_\_\_

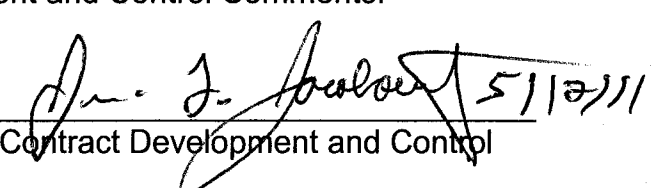
B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: \_\_\_\_\_

**III. REVIEW COMMENTS**

A. OFMB Fiscal and/or Contract Development and Control Comments:

  
 \_\_\_\_\_  
 OFMB

  
 \_\_\_\_\_  
 Contract Development and Control

B. Legal Sufficiency:

  
 \_\_\_\_\_  
 Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.



1 and the Palm Beach County Charter, hereby adopts the Palm Beach County Code of Ethics  
2 Ordinance; and

3 **WHEREAS**, the Board of County Commissioners has conducted a duly noticed public  
4 hearing to consider these amendments as required by law.

5 **NOW, THEREFORE**, be it ordained by the Board of County Commissioners of Palm  
6 Beach County, Florida, that:

7 **SECTION 1. THE PALM BEACH COUNTY CODE OF ETHICS.**

8 The Palm Beach County Code of Ethics, Ordinance 2009-051, is hereby repealed and the  
9 new countywide Palm Beach County Code of Ethics Ordinance is hereby adopted as set forth in  
10 Exhibit 1 which is attached hereto and made a part hereof.

11 **SECTION 2. SAVINGS CLAUSE.**

12 All complaints, investigations, advisory opinions, recommended orders, final orders,  
13 requests for advisory opinions, hearing processes, and all other functions of the Palm Beach  
14 County Commission on Ethics, initiated or completed pursuant to Ordinance 2009-050, as  
15 amended, or Ordinance 2009-051, as amended, shall remain in full force and effect.

16 **SECTION 3. REPEAL OF LAWS IN CONFLICT.**

17 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
18 repealed to the extent of such conflict.

19 **SECTION 4. SEVERABILITY.**

20 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
21 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect  
22 the remainder of this Ordinance.

23 **SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

24 The provisions of this Ordinance shall become and be made a part of the Code of Laws  
25 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be  
26 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to  
27 "section," "article," or other appropriate word.

28 **SECTION 6. EFFECTIVE DATE.**

29 The provisions of this Ordinance shall become effective June 1, 2011.

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APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach

County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2011.

SHARON R. BOCK  
CLERK & COMPTROLLER

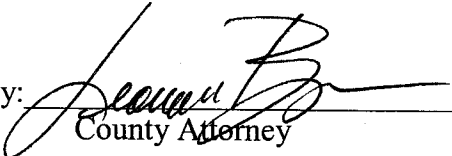
PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen T. Marcus, Chair

(SEAL)

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## EXHIBIT 1

1 **Sec. 2-441. Title; statement of purpose.**

2 This article shall be known as the Palm Beach County Code of Ethics. This code of ethics is  
3 enacted pursuant to Florida Constitution, Article VIII, section 1(g), Florida Statutes, ch. 125, and  
4 the Charter of Palm Beach County. The Municipalities located within Palm Beach County are  
5 subject to the provisions of this Code of Ethics pursuant to referendum. The purpose of this code  
6 is to provide additional and more stringent ethics standards as authorized by Florida Statutes, §  
7 112.326. This code shall not be construed to authorize or permit any conduct or activity that is in  
8 violation of Florida Statutes, ch. 112, pt. III. This code of ethics shall be deemed additional and  
9 supplemental to any and all state and federal laws governing ethical conduct of officials and  
10 employees, as well as all local laws, rules, regulations and policies.

11 Officials and employees in the public service shall be conscious that public service is a public  
12 trust, shall be impartial and devoted to the best interests of the people of Palm Beach County,  
13 and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.  
14 Nothing herein shall abridge employees' constitutional right to collective bargaining.

15  
16 **Sec. 2-442. Definitions.**

17 The following words, terms and phrases, when used in this article, shall have the meanings  
18 ascribed to them in this section, except where the context clearly indicates a different meaning:

19 *Advisory board* shall mean any advisory or quasi-judicial board created by the board of county  
20 commissioners, by the local municipal governing bodies, or by the mayors who serve as chief  
21 executive officers or by mayors who are not members of local municipal governing bodies.

22 *Customer* or *client* means any person or entity to which an official or employee's outside  
23 employer or business has supplied goods or services during the previous twenty-four (24)  
24 months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000.00).

25 *Domestic partner* is an adult, unrelated by blood, with whom an unmarried or separated official  
26 or employee has an exclusive committed relationship and maintains a mutual residence.

27 *Financial benefit* includes any money, service, license, permit, contract, authorization, loan,  
28 travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of  
29 value. This term does not include campaign contributions authorized by law.

30 *Household Member* includes anyone whose primary residence is in the official or employee's  
31 home, including non-relatives who are not rent payers or employees of the head of the  
32 household.

33 *Inspector general* shall mean the office established in article XII of this chapter.

34 *Lobbying* shall mean seeking to influence a decision through oral or written communication or an  
35 attempt to obtain the goodwill of any county commissioner, any member of a local municipal  
36 governing body, any mayor or chief executive officer that is not a member of a local municipal  
37 governing body, any advisory board member, or any employee with respect to the passage,  
38 defeat or modification of any item which may foreseeably be presented for consideration to the  
39 advisory board, the board of county commissioners, or the local municipal governing body  
40 lobbied as applicable.

41 *Lobbyist* shall mean any person who is employed and receives payment, or who contracts for  
42 economic consideration, for the purpose of lobbying on behalf of a principal, and shall include  
43 an employee whose principal responsibility to the employer is overseeing the employer's various  
44 relationships with government or representing the employer in its contacts with government.

45 "*Lobbyist*" shall not include:

- 46 (1) any employee, contract employee, or independent contractor of a governmental agency or  
47 entity lobbying on behalf of that agency or entity, any elected local official when the  
48 official is lobbying on behalf of the governmental agency or entity which the official  
49 serves, or any member of the official's staff when such staff member is lobbying on an  
50 occasional basis on behalf of the governmental agency or entity by which the staff  
51 member is employed.
- 52 (2) any person who is retained or employed for the purpose of representing an employer,  
53 principal or client only during a publicly noticed quasi-judicial hearing or comprehensive  
54 plan hearing, provided the person identifies the employer, principal or client at the  
55 hearing.
- 56 (3) any expert witness who is retained or employed by an employer, principal or client to  
57 provide only scientific, technical or other specialized information provided in agenda  
58 materials or testimony only in public hearings, so long as the expert identifies the  
59 employer, principal or client at the hearing.
- 60 (4) any person who lobbies only in his or her individual capacity for the purpose of self-  
61 representation and without compensation.
- 62 (5) any employee, contract employee, or independent contractor of the Palm Beach County  
63 League of Cities, Inc., lobbying on behalf of that entity.

64 *Official or employee* means any official or employee of the county or the municipalities located  
65 within the county, whether paid or unpaid. The term "*employee*" includes but is not limited to all  
66 managers, department heads and personnel of the county or the municipalities located within the  
67 county. The term also includes contract personnel and contract administrators performing a  
68 government function, and chief executive officer who is not part of the local governing body.  
69 The term "official" shall mean members of the board of county commissioners, a mayor,  
70 members of local municipal governing bodies, and members appointed by the board of county  
71 commissioners, members of local municipal governing bodies or mayors or chief executive  
72 officers that are not members of local municipal governing body, as applicable, to serve on any  
73 advisory, quasi judicial, or any other board of the county, state, or any other regional, local,  
74 municipal, or corporate entity.

75 *Outside employer or business* includes:

- 76 (1) Any entity, other than the county, the state, or any other federal, regional, local, or  
77 municipal government entity, of which the official or employee is a member, official, director,  
78 proprietor, partner, or employee, and from which he or she receives compensation for services  
79 rendered or goods sold or produced. For purposes of this definition, "compensation" does not  
80 include reimbursement for necessary expenses, including travel expenses; or
- 81 (2) Any entity located in the county or which does business with or is regulated by the county  
82 or municipality as applicable, in which the official or employee has an ownership interest. For  
83 purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total  
84 assets or common stock owned by the official or employee or any combination of the official or  
85 employee's household members, spouse, child, step-child, brother, sister, parent or step-parent,  
86 or a person claimed as a dependent on the official or employee's latest individual federal tax  
87 return.
- 88 (3) the term outside employer or business shall not apply to an employee who is employed by a  
89 certified bargaining agent solely to represent employees.

90 *Palm Beach County Commission on Ethics* means the commission established in section 2-254 et  
91 seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to  
92 as the "commission on ethics" in this article.

93 *Persons and entities* shall be defined to include all natural persons, firms, associations, joint  
94 ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and  
95 all other organizations.

96 *Relative* unless otherwise specified in this ordinance, means an individual who is related to an  
97 official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin,  
98 nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
99 brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother,  
100 stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild,  
101 step grandparent, step great grandparent, step grandchild, step great grandchild, person who is  
102 engaged to be married to the official or employee or who otherwise holds himself or herself out  
103 as or is generally known as the person whom the official or employee intends to marry or with  
104 whom the official or employee intends to form a household, or any other natural person having  
105 the same legal residence as the official or employee.

106 *Transaction* shall refer to the purchase or sale by the county or municipality of goods or services  
107 for a consideration.

108 *Vendor* means any person or entity who has a pending bid proposal, an offer or request to sell  
109 goods or services, sell or lease real or personal property, or who currently sells goods or services,  
110 or sells or leases real or personal property, to the county or municipality involved in the subject  
111 contract or transaction as applicable. For the purposes of this definition a vendor entity includes  
112 an owner, director, manager or employee.

113

114 **Sec. 2-443. Prohibited conduct.**

115 (a) *Misuse of public office or employment.* An official or employee shall not use his or her  
116 official position or office, or take or fail to take any action, or influence others to take or fail to  
117 take any action, in a manner which he or she knows or should know with the exercise of  
118 reasonable care will result in a special financial benefit, not shared with similarly situated  
119 members of the general public, for any of the following persons or entities:

120 (1) Himself or herself;

121 (2) His or her spouse or domestic partner, household member or persons claimed as dependents  
122 on the official or employee's latest individual federal income tax return, or the employer or  
123 business of any of these people;

124 (3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or  
125 aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic  
126 partner, or the employer or business of any of these people;

127 (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner,  
128 or someone who is known to such official or employee to work for such outside employer or  
129 business;

130 (5) A customer or client of the official or employee's outside employer or business;

131 (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner--  
132 "substantial" for these purposes shall mean at least ten thousand dollars (\$10,000.00) and shall  
133 not include forms of indebtedness, such as a mortgage and note, or a loan between the official or  
134 employee and a financial institution;



135 (7) A civic group, union, social, charitable, or religious organization, or other not for profit  
136 organization of which he or she (or his or her spouse or domestic partner) is an officer or  
137 director.

138 (b) *Corrupt misuse of official position.* An official or employee shall not use his or her official  
139 position or office, or any property or resource which may be within his or her trust, to corruptly  
140 secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or  
141 others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and  
142 for the purpose of obtaining, or compensating or receiving compensation for, any benefit  
143 resulting from some act or omission of an official or employee which is inconsistent with the  
144 proper performance of his or her public duties.

145 (c) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain  
146 from voting and not participate in any matter that will result in a special financial benefit as set  
147 forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the  
148 conflict and when abstaining from the vote, shall complete and file a State of Florida  
149 Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §  
150 112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed  
151 form to the county commission on ethics. Officials who abstain and disclose a voting conflict as  
152 set forth herein, shall not be in violation of subsection (a), provided the official does not  
153 otherwise use his or her office to take or fail to take any action, or influence others to take or fail  
154 to take any action, in any other manner which he or she knows or should know with the exercise  
155 of reasonable care will result in a special financial benefit, not shared with similarly situated  
156 members of the general public, as set forth in subsections (a)(1) through (7).

157 (d) *Contractual relationships.* No official or employee shall enter into any contract or other  
158 transaction for goods or services with their respective county or municipality. This prohibition  
159 extends to all contracts or transactions between the county or municipality as applicable or any  
160 person, agency or entity acting for the county or municipality as applicable, and the official or  
161 employee, directly or indirectly, or the official or employee's outside employer or business. Any  
162 such contract, agreement, or business arrangement entered into in violation of this subsection  
163 may be rescinded or declared void by the board of county commissioners pursuant to section 2-  
164 448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This  
165 prohibition shall not apply to employees who enter into contracts with Palm Beach County or a  
166 municipality as part of their official duties with the county or that municipality. This prohibition  
167 also shall not apply to officials or employees who purchase goods from the county or  
168 municipality on the same terms available to all members of the public. This prohibition shall  
169 also not apply to advisory board members provided the subject contract or transaction is  
170 disclosed at a duly noticed public meeting of the governing body and the advisory board  
171 member's board provides no regulation, oversight, management, or policy-setting  
172 recommendations regarding the subject contract or transaction.

173 (e) *Exceptions and waiver.* The requirements of subsection (d) above may be waived as it  
174 pertains to advisory board members where the advisory board member's board is purely advisory  
175 and provides regulation, oversight, management, or policy-setting recommendations regarding  
176 the subject contract or transaction. No waiver shall be allowed where the advisory board  
177 member's board is not purely advisory and provides regulation, oversight, management, or  
178 policy-setting recommendations regarding the subject contract or transaction. Waiver may be  
179 effected by the board of county commissioners or by the local municipal governing body as  
180 applicable upon full disclosure of the contract or transaction prior to the waiver and an

181 affirmative vote of a majority plus one of the total membership of the board of county  
182 commissioners or the local municipal governing body as applicable. In instances in which  
183 appointment to the advisory board is made by an individual, waiver may be effected, after full  
184 disclosure of the contract or transaction at a public hearing, by the appointing person. In addition,  
185 no official or employee shall be held in violation of subsection (d) if:

186 (1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder  
187 and:

188 a. The official or employee or member of his or her household has in no way participated in the  
189 determination of the bid specifications or the determination of the lowest bidder;

190 b. The official or employee or member of his or her household has in no way used or attempted  
191 to use the official or employee's influence to persuade the agency, governmental entity or any  
192 personnel thereof to enter such a contract other than by the mere submission of the bid; and

193 c. The official or employee, prior to or at the time of the submission of the bid, has filed a  
194 statement with the supervisor of elections and the commission on ethics, disclosing the nature of  
195 the interest in the outside employer or business submitting the bid.

196 (2) An emergency purchase or contract which would otherwise violate a provision of subsection  
197 (d) must be made in order to protect the health, safety, or welfare of the citizens of the county or  
198 municipality as applicable.

199 (3) The outside employer or business involved is the only source of supply within the county or  
200 municipality as applicable and there is full disclosure by the official or employee of his or her  
201 interest in the outside employer or business to the county or municipality as applicable and the  
202 ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.

203 (4) The total amount of the contracts or transactions in the aggregate between the outside  
204 employer or business and the county or municipality as applicable does not exceed five hundred  
205 dollars (\$500.00) per calendar year.

206 (5) Notwithstanding any provision to the contrary, subsection (d) shall not be construed to  
207 prevent an employee from seeking part-time employment with an outside employer who has  
208 entered into a contract for goods or services with the county or municipality as applicable  
209 provided that:

210 a. The employee or relative of the employee does not work in the county or municipal  
211 department as applicable which will enforce, oversee or administer the subject contract; and

212 b. The outside employment would not interfere with or otherwise impair his or her  
213 independence of judgment or otherwise interfere with the full and faithful performance of his or  
214 her public duties to the county or municipality as applicable; and

215 c. the employee or relative of the employee has not participated in determining the subject  
216 contract requirements or awarding the contract; and

217 d. the employee's job responsibilities and job description will not require him or her to be  
218 involved in the outside employer's contract in any way including, but not limited to, its  
219 enforcement, oversight, administration, amendment, extension, termination or forbearance; and

220 e. the employee demonstrates compliance with applicable merit rules regarding outside  
221 employment and obtains written permission from his or her supervisor; and

222 f. The employee has obtained a conflict of interest waiver from the chief administrative officer  
223 and the employee's department head of the county or municipality based on a finding that no  
224 conflict exists. The employee shall submit the request for waiver in writing and under oath. The  
225 request for the waiver shall be signed by the employee under oath or affirmation on an approved  
226 form provided by the Commission on Ethics. The document shall contain written

227 acknowledgment of compliance with the provisions of (5)a. through (5)e. of this subsection,  
228 together with such pertinent facts and relevant documents that support such waiver. A waiver  
229 under this subsection must be approved by both the employee's supervisor and chief  
230 administrative officer of the county or municipality. The county or municipality shall record  
231 such waiver in the employee's personnel file and shall submit a copy of the waiver and all  
232 related documents to the commission on ethics. The commission on ethics in its discretion may  
233 elect to review, comment on, or investigate any waiver. The commission on ethics review or  
234 investigation shall not delay an employee's ability to take the part time employment.

235 *g. Official law enforcement overtime or extra duty details.* The provisions of subsection (d) shall  
236 be waived for outside employment when that employment consists of a certified police agency  
237 uniformed external security or extra duty detail, contracted or administered by the police agency  
238 as applicable. For the purpose of this subsection, all records of external, extra duty or overtime  
239 security details, including supervisor approval, identity of contracting parties, and including  
240 time, date and manner of detail shall be maintained by the individual contracting or  
241 administering police agency, records of which shall be accessible to the public subject to state  
242 public records disclosure exemptions.

243 *(f) Accepting travel expenses.* No official or employee shall accept, directly or indirectly, any  
244 travel expenses including, but not limited to, transportation, lodging, meals, registration fees and  
245 incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer  
246 as applicable. The board of county commissioners or local municipal governing body as  
247 applicable may waive the requirements of this subsection by a majority vote of the board or local  
248 municipal governing body. The provisions of this subsection shall not apply to travel expenses  
249 paid by other governmental entities or by organizations of which the county or municipality as  
250 applicable is a member if the travel is related to that membership.

251 *(g) Contingent fee prohibition.* No person shall, in whole or in part, pay, give or agree to pay or  
252 give a contingency fee to another person. No person shall, in whole or in part, receive or agree to  
253 receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or  
254 nonmonetary benefit as compensation which is dependent on or in any way contingent on the  
255 passage, defeat, or modification of: an ordinance, resolution, action or decision of the board of  
256 county commissioners or local municipal governing body as applicable, any employee  
257 authorized to act on behalf of the board of county commissioners or local municipal governing  
258 body as applicable, the county administrator or municipal administrator as applicable, or any  
259 action or decision of an advisory board or committee. This prohibition does not apply to real  
260 estate brokers when acting in the course of their profession as regulated by §§475.001-475.5018,  
261 Florida Statutes, as may be amended. Nothing in this section may be construed to prohibit any  
262 salesperson from engaging in legitimate government business on behalf of a company from  
263 receiving compensation or commission as part of a bona fide contractual arrangement with that  
264 company provided such compensation or commission is ordinary and customary in the industry.  
265 Nothing in this section may be construed to prohibit an attorney from representing a client in a  
266 judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

267 *(h) Honesty in applications for positions.* No person seeking to become an official or  
268 employee, or seeking to enter into a contract to provide goods or services to the county or  
269 municipality as applicable, may make any false statement, submit any false document, or  
270 knowingly withhold information about wrongdoing in connection with employment by or  
271 services to the county or municipality as applicable.

272 (i) *Disclosure or use of certain information.* A current or former official or employee shall not  
273 disclose or use information not available to members of the general public and gained by reason  
274 of his or her official position, except for information relating exclusively to governmental  
275 practices, for his or her personal gain or benefit or for the personal gain or benefit of any other  
276 person.

277

278 **Sec. 2-444. Gift law.**

279 (a)(1) No county commissioner, member of a local governing body, mayor or chief executive  
280 when not a member of the governing body, or employee, or any other person or business entity  
281 on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value  
282 of greater than one hundred dollars (\$100.00) in the aggregate for the calendar year from any  
283 person or business entity that the recipient knows, or should know with the exercise of  
284 reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies,  
285 sells or leases to the county or municipality as applicable.

286 (2) No vendor, lobbyist, or principal or employer of a lobbyist that lobbies the county or a  
287 municipality shall knowingly give, directly or indirectly, any gift with a value greater than one  
288 hundred dollars (\$100.00) in the aggregate for the calendar year to a person who the vendor,  
289 lobbyist, or principal knows is an official or employee of that county or municipality. For the  
290 purposes of this subsection 2-444(a)(2), the term vendor also includes any person or entity that,  
291 because of the nature of their business, may respond to an invitation to bid, request for proposal  
292 or other procurement opportunity that has been published by the county or a municipality.

293 (b)(1) No advisory board member, or any other person on his or her behalf, shall knowingly  
294 solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars  
295 (\$100.00) in the aggregate for the calendar year from any vendor, lobbyist, or any principal or  
296 employer of a lobbyist, who lobbies the recipient's advisory board, or any county or municipal  
297 department as applicable that is subject in any way to the advisory board's authority, influence or  
298 advice.

299 (2) No vendor, lobbyist, or principal or employer of a lobbyist who lobbies an advisory board or  
300 any county or municipal department that is subject in any way to the advisory board's authority,  
301 influence or advice, shall knowingly give, directly or indirectly, any gift with a value greater than  
302 one hundred dollars (\$100.00) in the aggregate for the calendar year to a person who the vendor,  
303 lobbyist, or principal knows is a member of that advisory board. For the purposes of this  
304 subsection 2-444(b)(2), the term vendor also includes any person or entity that, because of the  
305 nature of their business, may respond to an invitation to bid, request for proposal or other  
306 procurement opportunity that has been published by the county or a municipality.

307 (c) No county commissioner, member of a local governing body, mayor or chief executive  
308 officer when not a member of the governing body, or employee, or any other person or business  
309 entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business  
310 entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist  
311 where the gift is for the personal benefit of the official or employee, another official or  
312 employee, or any relative or household member of the official or employee. No advisory board  
313 member or any other person or business entity on his or her behalf, shall knowingly solicit a gift  
314 of any value from any person or business entity that the recipient knows is a vendor, lobbyist or  
315 any principal or employer of a lobbyist who lobbies the recipient's advisory board, or any county  
316 or municipal department as applicable that is subject in any way to the advisory board's  
317 authority, influence or advice, where the gift is for the personal benefit of the advisory board

318 member, another advisory board member, or an official, or any relative or household member of  
319 the official or employee.

320 (d) For purposes of this section, a principal or employer of a lobbyist shall include any officer,  
321 partner or director of the principal or employer entity, or any employee of a principal or  
322 employer who is not an officer, partner or director, provided that the employee knows or should  
323 know with the exercise of reasonable care that the principal or employer employs a lobbyist.

324 (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no  
325 official or employee shall accept or agree to accept a gift from a person or entity, because of:

326 (1) An official public action taken or to be taken, or which could be taken;  
327 (2) A legal duty performed or to be performed or which could be performed; or  
328 (3) A legal duty violated or to be violated, or which could be violated by any official or  
329 employee.

330 (f) Gift reports. Any official or employee who receives a gift in excess of one hundred dollars  
331 (\$100.00) shall report that gift in accordance with this section.

332 (1) *Gift reports for officials and employees identified by state law as reporting individuals.*  
333 Those persons required to report gifts pursuant to state law shall report those gifts in the manner  
334 provided by Florida Statutes, § 112.3148, as may be amended. A copy of each report shall be  
335 filed with the county commission on ethics.

336 (2) *All other officials and employees who are not reporting individuals under state law.*

337 a. *Personal Gifts.* All officials and employees who are not reporting individuals under state law  
338 are not required to report gifts in excess of one hundred dollars (\$100.00) so long as those gifts  
339 are given to the official or employee by a personal friend or co-worker and the circumstances  
340 demonstrate that the motivation for the gift was the personal or social relationship rather than an  
341 attempt to obtain the goodwill or otherwise influence the official or employee in the performance  
342 of his or her official duties. Factors to be considered in determining whether a gift was  
343 motivated by a personal or social relationship may include but shall not be limited to: whether  
344 the relationship began before or after the official or employee obtained his or her office or  
345 position; the prior history of gift giving between the individuals; whether the gift was given in  
346 connection with a holiday or other special occasion; whether the donor personally paid for the  
347 gift or sought a tax deduction or business reimbursement; and whether the donor gave similar  
348 gifts to other officials or employees at or near the same time. If the personal friend or co-worker  
349 is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the county or  
350 municipality as applicable, then the official or employee shall not accept a gift in excess of  
351 \$100.00 in accordance with subsections (a)(1) and (b)(1).

352 b. *All other gifts.* All officials or employees who are not reporting individuals under state law  
353 and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise  
354 excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift  
355 disclosure report with the county commission on ethics no later than November 1 of each year  
356 beginning November 1, 2011, for the period ending September 30 of each year. All officials or  
357 employees who are not reporting individuals under state law and who do not receive a gift in  
358 excess of one hundred dollars (\$100.00) during a given reporting period shall not file an annual  
359 gift disclosure report. The annual gift disclosure report shall be created by the county  
360 commission on ethics and shall be in a form substantially similar in content as that required by  
361 state law.  
362

363 (g) For the purposes of this section, "gift" shall refer to the transfer of anything of economic  
364 value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or  
365 promise, or in any other form, without adequate and lawful consideration. Food and beverages  
366 consumed at a single setting or a meal shall be considered a single gift, and the value of the food  
367 and beverage provided at that sitting or meal shall be considered the value of the gift. In  
368 determining the value of the gift, the recipient of the gift may consult, among other sources,  
369 section 112.3148, Florida Statutes and the Florida Administrative Code as may be amended.

370 (1) Exceptions. The provisions of subsection (g) shall not apply to:

371 a. Political contributions specifically authorized by state or federal law;

372 b. Gifts from relatives, domestic partners, and dependents named on the official's or  
373 employee's latest federal income tax return, or one's household member;

374 c. Awards for professional or civic achievement;

375 d. Materials such as books, reports, periodicals or pamphlets which are solely informational or  
376 of an advertising nature;

377 e. Gifts solicited or accepted by county or municipal officials or employees as applicable on  
378 behalf of the county or municipality in performance of their official duties for use solely by the  
379 county or municipality for a public purpose;

380 f. Publicly advertised offers for goods or services from a vendor under the same terms and  
381 conditions as are offered or made available to the general public;

382 g. Inheritance or other devise;

383 h. Registration fees and other related costs associated with educational or governmental  
384 conferences, meetings or seminars and travel expenses either properly waived or inapplicable  
385 pursuant to section 2-443(f), provided that attendance is for governmental purposes, and  
386 attendance is related to their duties and responsibilities as an official or employee of the county  
387 or municipality;

388 i. A ticket, pass or admission in connection with public events, appearances or ceremonies  
389 related to official county or municipal business, if furnished by a nonprofit sponsor organization  
390 of such public event, or if furnished pursuant to a contract between the event's non-profit  
391 sponsor and the county or municipality as applicable, provided the sponsor organization does not  
392 employ a lobbyist, and further provided the ticket, pass or admission is given by a representative  
393 of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a  
394 lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or  
395 admission must be disclosed in accordance with the gift law reporting requirements of  
396 subsections 2-444(f)(1) and (f)(2);

397 j. Expenditures made in connection with an event sponsored by a nonprofit organization funded  
398 in whole or in part with public funds whose primary function is to encourage and attract tourism  
399 or other business opportunities for the benefit of Palm Beach County or the municipalities as  
400 applicable, provided the sponsor organization does not employ a lobbyist, and further provided  
401 that the invitation to the event is made by a representative of the sponsor organization and the  
402 representative is not otherwise a vendor, lobbyist, principal or employer of a lobbyist.  
403 Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed  
404 in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2).

405 (h) Solicitation of Contributions on Behalf of a Non-Profit Charitable Organization.

406 (1) Notwithstanding the prohibition on gifts as outlined in subsection 2-444(a) and

407 (b), the solicitation of funds by a county or municipal official or employee for a non-  
408 profit charitable organization, as defined under the Internal Revenue Code, is permissible

409 so long as there is no quid pro quo or other special consideration, including any direct or  
410 indirect special financial benefit to the official or employee or to the person or entity  
411 being solicited. The solicitation by an official or employee as contemplated herein, is  
412 expressly prohibited if made to any person or entity with a pending application for  
413 approval or award of any nature before the county or municipality as applicable.

414 (2) To promote the full and complete transparency of any such solicitation, officials  
415 and employees shall disclose, on a form provided by the Commission on Ethics, the name  
416 of the charitable organization, the event for which the funds were solicited, the name of  
417 any person or entity that was contacted regarding a solicitation or pledge by the official  
418 or employee, and the amount of the funds solicited or pledged if known. The form shall  
419 be completed legibly and shall be filed with the Commission on Ethics. The form shall  
420 be filed within 30 days from the occurrence of the event for which the solicitation was  
421 made, or if no event, within 30 days from the occurrence of the solicitation.

422 (3) Officials and employees may not use county or municipal staff or other county or  
423 municipal resources in the solicitation of charitable contributions described in this  
424 subsection.

425  
426 **Sec. 2-445. Anti-nepotism law.**

427 An official may not appoint, employ, promote, advance, or advocate for appointment,  
428 employment, promotion, or advancement in or to a position in the county or municipality as  
429 applicable in which the official is serving or over which the official exercises jurisdiction or  
430 control, any individual who is a relative or domestic partner of the official. An individual may  
431 not be appointed, employed, promoted, or advanced in or to a position in the county or a  
432 municipality if such appointment, employment, promotion, or advancement has been advocated  
433 by an official, serving in or exercising jurisdiction or control over the county or municipality as  
434 appropriate, who is a relative or domestic partner of the individual or if such appointment,  
435 employment, promotion, or advancement is made by a collegial body of which a relative or  
436 domestic partner of the individual is a member. However, this section shall not apply to  
437 appointments to boards other than those with land-planning or zoning responsibilities in those  
438 municipalities with less than 35,000 population. This section does not apply to persons serving in  
439 a volunteer capacity who provide emergency medical, firefighting, or police services. Such  
440 persons may receive, without losing their volunteer status, reimbursements for the costs of any  
441 training they get relating to the provision of volunteer emergency medical, firefighting, or police  
442 services and payment for any incidental expenses relating to those services that they provide.  
443 Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the  
444 purposes of this section.

445 (1) For the purposes of this section, "official" means any official or employee in whom is  
446 vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to  
447 appoint, employ, promote, or advance individuals or to recommend individuals for appointment,  
448 employment, promotion, or advancement in connection with employment in the county or  
449 municipality as applicable.

450 (2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt,  
451 first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-  
452 in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-  
453 brother, or half-sister.

454

455 **Sec. 2-446. Ethics training.**

456 (a) Officials and employees, as public servants, are considered stewards of the public trust and  
457 should aspire to the highest level of integrity and character. Officials and employees shall be  
458 informed of their ethical responsibilities at the start of their public service, and shall receive  
459 updates and training materials on ethics issues throughout the span of their public service. The  
460 county administrator or municipal administrator as applicable shall establish by policy a  
461 mandatory training schedule for all officials and employees which shall include mandatory  
462 periodic follow-up sessions. This policy may also address ethics training for entities that receive  
463 county or municipal funds as applicable.

464 (b) The commission on ethics shall develop and deliver, or contract with other entities to  
465 develop and deliver, training programs. The commission on ethics shall coordinate and cooperate  
466 with all affected county or municipal entities, departments, agencies, boards, councils and  
467 commissions to ensure that effective and meaningful training experiences are delivered in a  
468 timely and efficient manner.

469

470 **Sec. 2-447. Noninterference.**

471 It shall be a violation of this article for any person: (a) to retaliate against, punish, threaten,  
472 harass, or penalize any person for communicating, cooperating with, or assisting the commission  
473 on ethics or the inspector general; or (b) to interfere, obstruct or attempt to interfere or obstruct  
474 without valid legal basis any investigation conducted by the commission on ethics or the  
475 inspector general.

476

477 **Sec. 2-448. Administration, enforcement and penalties.**

478 (a) The commission on ethics shall be empowered to review, interpret, render advisory  
479 opinions, and enforce this code of ethics pursuant to the procedures established in the county  
480 commission on ethics ordinance. Jurisdiction of the commission on ethics with respect to  
481 advisory opinions rendered shall extend to all county and municipal officials and employees, and  
482 all other persons and entities required to comply with the provisions of this code and the county  
483 lobbyist registration ordinance, including but not limited to lobbyists, their employers and  
484 principals, and contractors and vendors.

485 (b) A finding by the commission on ethics of a violation of any part of this article shall subject  
486 the person or entity to public reprimand, a fine of up to five hundred dollars (\$500.00), or both.  
487 The commission on ethics may also order the person or entity to pay restitution when the person  
488 or entity or a third party has received a pecuniary benefit as a result of the person's violation.

489 (c) Upon a finding of the commission on ethics that a violation of this article or the lobbyist  
490 registration ordinance resulted in a contract, grant, subsidy, license, permit, franchise, use,  
491 certificate, development order or other benefit conferred by the county or municipality as  
492 applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate,  
493 development order or other benefit may be rescinded or declared void by the board of county  
494 commissioners or the local municipal governing body as applicable.

495 (d) The commission on ethics may in its discretion refer willful violations of sections 2-443, 2-  
496 444(a), 2-444(b), 2-444(c), 2-444(e), or 2-447 to the state attorney. Pursuant to Florida Statutes,  
497 § 125.69, a person who violates the sections of the article set forth in this section 2-448(d) shall  
498 be subject to prosecution in the name of the state in the same manner as first degree  
499 misdemeanors are prosecuted, and upon conviction, such person shall be punished by a fine not  
500 to exceed one thousand dollars (\$1,000.00), imprisonment not to exceed one (1) year, or both.



1 **ARTICLE XIII. CODE OF ETHICS\***  
 2  
 3

4 ~~\*Cross references: Commission on ethics, § 2-254 et seq.~~  
 5  
 6  
 7

8 **Sec. 2-441. Title; statement of purpose.**

9 This article shall be known as the Palm Beach County Code of Ethics. This code of ethics is  
 10 enacted pursuant to Florida Constitution, Article VIII, section 1(g), Florida Statutes, ch. 125, and  
 11 the Charter of Palm Beach County. The Municipalities located within Palm Beach County are  
 12 subject to the provisions of this Code of Ethics pursuant to referendum. The purpose of this code  
 13 is to provide additional and more stringent ethics standards as authorized by Florida Statutes, §  
 14 112.326. This code shall not be construed to authorize or permit any conduct or activity that is in  
 15 violation of Florida Statutes, ch. 112, pt. III. This code of ethics shall be deemed additional and  
 16 supplemental to any and all state and federal laws governing ethical conduct of officials and  
 17 employees, as well as all local laws, rules, regulations and policies governing personnel matters.  
 18 Officials and employees in the public service shall be conscious that public service is a public  
 19 trust, shall be impartial and devoted to the best interests of the people of Palm Beach County,  
 20 and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.  
 21 Nothing herein shall abridge employees' constitutional right to collective bargaining.  
 22 (Ord. No. 2009-051, pt. 1, § 1, 12-15-09; Ord. No. 2010-043, pt. 1, 9-28-10)  
 23

24 **Sec. 2-442. Definitions.**

25 The following words, terms and phrases, when used in this article, shall have the meanings  
 26 ascribed to them in this section, except where the context clearly indicates a different meaning:

27 Advisory board shall mean any advisory or quasi-judicial board created by the board of county  
 28 commissioners, by the local municipal governing bodies, or by the mayors who serve as chief  
 29 executive officers or by mayors who are not members of local municipal governing bodies.

30 *Customer* or *client* means any person or entity to which an official or employee's outside  
 31 employer or business has supplied goods or services during the previous twenty-four (24)  
 32 months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000.00).

33 *Domestic partner* is an adult, unrelated by blood, with whom an unmarried or separated official  
 34 or employee has an exclusive committed relationship and maintains a mutual residence.

35 *Financial benefit* includes any money, service, license, permit, contract, authorization, loan,  
 36 travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of  
 37 value. This term does not include campaign contributions authorized by law.

38 *Household Member* includes anyone whose primary residence is in the official or employee's  
 39 home, including non-relatives who are not rent payers or employees of the head of the  
 40 household.

41 *Inspector general* shall mean the office established in article XII of this chapter.

42 Lobbying shall mean seeking to influence a decision through oral or written communication or an  
 43 attempt to obtain the goodwill of any county commissioner, any member of a local municipal  
 44 governing body, any mayor or chief executive officer that is not a member of a local municipal  
 45 governing body, any advisory board member, or any employee with respect to the passage,  
 46 defeat or modification of any item which may foreseeably be presented for consideration to the

47 | advisory board, the board of county commissioners, or the local municipal governing body  
48 | lobbied as applicable.

49 | *Lobbyist* shall mean any person who is employed and receives payment, or who contracts for  
50 | economic consideration, for the purpose of lobbying on behalf of a principal, and shall include  
51 | an employee whose principal ~~or most significant responsibilities~~ responsibility to the employer is  
52 | overseeing the employer's various relationships with government or representing the employer in  
53 | its contacts with government. "*Lobbyist*" shall not include:

54 | (1) any employee, contract employee, or independent contractor of a governmental agency or  
55 | entity lobbying on behalf of that agency or entity, any elected local official when the  
56 | official is lobbying on behalf of the governmental agency or entity which the official  
57 | serves, or any member of the official's staff when such staff member is lobbying on an  
58 | occasional basis on behalf of the governmental agency or entity by which the staff  
59 | member is employed.

60 | (2) any person who is retained or employed for the purpose of representing an employer,  
61 | principal or client only during a publicly noticed quasi-judicial hearing or comprehensive  
62 | plan hearing, provided the person identifies the employer, principal or client at the  
63 | hearing.

64 | (3) any expert witness who is retained or employed by an employer, principal or client to  
65 | provide only scientific, technical or other specialized information provided in agenda  
66 | materials or testimony only in public hearings, so long as the expert identifies the  
67 | employer, principal or client at the hearing.

68 | (4) any person who lobbies only in his or her individual capacity for the purpose of self-  
69 | representation and without compensation.

70 | (5) any employee, contract employee, or independent contractor of the Palm Beach County  
71 | League of Cities, Inc., lobbying on behalf of that entity.

72 | *Official* or *employee* means any official or employee of the county or the municipalities located  
73 | within the county, whether paid or unpaid, ~~and~~. The term "*employee*" includes but is not limited  
74 | to all members of an office, board, body, advisory board, council, commission, agency managers,  
75 | department, district, division, committee, or subcommittee heads and personnel of the county or  
76 | the municipalities located within the county. The term also includes contract personnel and  
77 | contract administrators performing a government function, and chief executive officer who is not  
78 | part of the local governing body. The term "official" shall mean members of the board of county  
79 | commissioners, a mayor, members of local municipal governing bodies, and members appointed  
80 | by the board of county commissioners ~~or~~, members of local municipal governing bodies or  
81 | mayors or chief executive officers that are not members of local municipal governing body, as  
82 | applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any  
83 | other regional, local, municipal, or corporate entity.

84 | *Outside employer or business* includes:

85 | (1) Any entity, other than the county, the state, or any other federal, regional, local, or  
86 | municipal government entity, of which the official or employee is a member, official, director,  
87 | proprietor, partner, or employee, and from which he or she receives compensation for services  
88 | rendered or goods sold or produced. For purposes of this definition, "compensation" does not  
89 | include reimbursement for necessary expenses, including travel expenses; or

90 | (2) Any entity located in the county or which does business with or is regulated by the county  
91 | or municipality as applicable, in which the official or employee has an ownership interest. For  
92 | purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total

93 assets or common stock owned by the official or employee or any combination of the members  
94 ~~of the official or employee's household or relatives.~~official or employee's household members,  
95 spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent  
96 on the official or employee's latest individual federal tax return.

97 (3) the term outside employer or business shall not apply to an employee who is employed by a  
98 certified bargaining agent solely to represent employees.

99 *Palm Beach County Commission on Ethics* -means the commission established in section 2-254  
100 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred  
101 to as the "commission on ethics" in this article.

102 ~~Person~~Persons and entities shall be defined to include all individuals, ~~children~~natural persons,  
103 firms, associations, joint ventures, partnerships, estates, trusts, business,~~trusts~~ entities,  
104 syndicates, fiduciaries, corporations, and all other groups or combinations.~~organizations.~~

105 ~~Relative~~ means a ~~spouse, child, step-child, brother, sister, parent or step-parent, or a person~~  
106 ~~claimed as a dependent on the official or employee's latest individual federal income tax return.~~  
107 unless otherwise specified in this ordinance, means an individual who is related to an official or  
108 employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew,  
109 niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,  
110 sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother,  
111 half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step  
112 great grandparent, step grandchild, step great grandchild, person who is engaged to be married to  
113 the official or employee or who otherwise holds himself or herself out as or is generally known  
114 as the person whom the official or employee intends to marry or with whom the official or  
115 employee intends to form a household, or any other natural person having the same legal  
116 residence as the official or employee.

117 (Ord. No. 2009-051, pt. 1, § 2, 12-15-09; Ord. No. 2010-043, pt. 2, 9-28-10)

118

119 Transaction shall refer to the purchase or sale by the county or municipality of goods or services  
120 for a consideration.

121 Vendor means any person or entity who has a pending bid proposal, an offer or request to sell  
122 goods or services, sell or lease real or personal property, or who currently sells goods or services,  
123 or sells or leases real or personal property, to the county or municipality involved in the subject  
124 contract or transaction as applicable. For the purposes of this definition a vendor entity includes  
125 an owner, director, manager or employee.

126

127 **Sec. 2-443. Prohibited conduct.**

128 (a) *Misuse of public office or employment.* An official or employee shall not use his or her  
129 official position or office, or take or fail to take any action, or influence others to take or fail to  
130 take any action, in a manner which he or she knows or should know with the exercise of  
131 reasonable care will result in a special financial benefit, not shared with similarly situated  
132 members of the general public, for any of the following persons or entities:

133 (1) Himself or herself;

134 (2) ~~A member of his~~His or her household, including a spouse or domestic partner and his or her,  
135 household member or persons claimed as dependents on the official or employee's latest  
136 individual federal income tax return, or the employer or business of any of these people;

137 (3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or  
138 aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic  
139 partner, or the employer or business of any of these people;

140 (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner,  
141 or someone who ~~works~~ is known to such official or employee to work for such outside employer  
142 or business;

143 (5) A customer or client of the official or ~~employee~~ employee's outside employer or business;

144 (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner--  
145 "substantial" for these purposes shall mean at least ten thousand dollars (\$10,000.00) and shall  
146 not include forms of indebtedness, such as a mortgage and note, or a loan between the official or  
147 employee and a financial institution;

148 (7) A ~~nongovernmental~~ civic group, union, social, charitable, or religious organization, or other  
149 not for profit organization of which he or she (or his or her spouse or domestic partner) is an  
150 officer or director.

151 ~~(b)~~ (b) Corrupt misuse of official position. An official or employee shall not use his or her official  
152 position or office, or any property or resource which may be within his or her trust, to corruptly  
153 secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or  
154 others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and  
155 for the purpose of obtaining, or compensating or receiving compensation for, any benefit  
156 resulting from some act or omission of an official or employee which is inconsistent with the  
157 proper performance of his or her public duties.

158 (c) Disclosure of voting conflicts. County and municipal officials as applicable shall abstain  
159 from voting and not participate in any matter that will result in a special financial benefit as set  
160 forth in subsections (a)(1) through (7) above. ~~When abstaining, the~~ The official shall publicly  
161 disclose the nature of the conflict and when abstaining from the vote, shall complete and file a  
162 State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida  
163 Statutes, § 112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the  
164 completed form to the county commission on ethics. Officials who abstain and disclose a voting  
165 conflict as set forth herein, shall not be in violation of subsection (a), provided the official does  
166 not otherwise use his or her office to take or fail to take any action, or influence others to take or  
167 fail to take any action, in any other manner which he or she knows or should know with the  
168 exercise of reasonable care will result in a special financial benefit, not shared with similarly  
169 situated members of the general public, as set forth in subsections (a)(1) through (7).

170 ~~(e) Prohibited contractual~~ (d) Contractual relationships. No official or employee shall enter  
171 into any contract or other transaction for goods or services with their respective county or  
172 municipality. This prohibition extends to all contracts or transactions between the county or  
173 municipality as applicable or any person, agency or entity acting for the county or municipality  
174 as applicable, and the official or employee, directly or indirectly, or the official or employee's  
175 outside employer or business. Any such contract, agreement, or business arrangement entered  
176 into in violation of this subsection may be rescinded or declared void by the board of county  
177 commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant  
178 to local ordinance as applicable. This prohibition shall not apply to employees who enter into  
179 contracts with Palm Beach County or a municipality ~~as part of their official duties with the~~  
180 county or that municipality ~~as part of their official duties with the~~ municipality as part of their official duties with the county or that  
181 municipality. This prohibition also shall not apply to officials or employees who purchase goods  
182 from the county or municipality on the same terms available to all members of the public. This

183 prohibition shall also not apply to advisory board members provided the subject contract or  
184 transaction is disclosed at a duly noticed public meeting of the governing body and the advisory  
185 board member's board provides no regulation, oversight, management, or policy-setting  
186 recommendations regarding the subject contract or transaction.

187 (~~d~~ (e) *Exceptions and waiver.* The requirements of subsections (a) and (~~e~~) subsection (d) above  
188 may be waived as they ~~pertain~~ pertains to advisory board members where the advisory board  
189 member's board is purely advisory and provides regulation, oversight, management, or policy-  
190 setting recommendations regarding the subject contract or transaction. No waiver shall be  
191 allowed where the advisory board member's board is not purely advisory and provides  
192 regulation, oversight, management, or policy-setting recommendations regarding the subject  
193 contract or transaction. Waiver may be effected by the board of county commissioners or by the  
194 local municipal governing body as applicable upon full disclosure of the contract or transaction  
195 ~~or financial benefit~~ prior to the waiver and an affirmative vote of five (~~5~~) members a majority  
196 plus one of the total membership of the board of county commissioners or the local municipal  
197 governing body as applicable. In instances in which appointment to the advisory board is made  
198 by an individual, waiver may be effected, after full disclosure of the contract or transaction at a  
199 public hearing, by the appointing person. In addition, no official or employee shall be held in  
200 violation of subsection (a) ~~or~~ (~~ed~~) if:

201 (1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder  
202 and:

203 a. The official or employee or member of his or her household has in no way participated in the  
204 determination of the bid specifications or the determination of the lowest bidder;

205 b. The official or employee or member of his or her household has in no way used or attempted  
206 to use the official or employee's influence to persuade the agency, governmental entity or any  
207 personnel thereof to enter such a contract other than by the mere submission of the bid; and

208 c. The official or employee, prior to or at the time of the submission of the bid, has filed a  
209 statement with the supervisor of elections and the commission on ethics, disclosing the nature of  
210 the interest in the outside employer or business submitting the bid.

211 (2) An emergency purchase or contract which would otherwise violate a provision of subsection  
212 (~~a~~) ~~or~~ (~~ed~~) must be made in order to protect the health, safety, or welfare of the citizens of the  
213 county or municipality as applicable.

214 (3) The outside employer or business involved is the only source of supply within the county or  
215 municipality as applicable and there is full disclosure by the official or employee of his or her  
216 interest in the outside employer or business to the county or municipality as applicable and the  
217 ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.

218 (4) The total amount of the contracts or transactions in the aggregate between the outside  
219 employer or business and the county or municipality as applicable does not exceed five hundred  
220 dollars (\$500.00) per calendar year.

221 (5) Notwithstanding any provision to the contrary, subsection (~~ed~~) shall not be construed to  
222 prevent an employee from seeking part-time employment with an outside employer who has  
223 entered into a contract for goods or services with the county or municipality as applicable  
224 provided that:

225 a. The employee or relative of the employee does not work in the county or municipal  
226 department as applicable which will enforce, oversee or administer the subject contract; and

227 b. The outside employment would not interfere with or otherwise impair his or her  
228 independence of judgment or otherwise interfere with the full and faithful performance of his or  
229 her public duties to the county or municipality as applicable; and  
230 c. the employee or relative of the employee has not participated in determining the subject  
231 contract requirements or awarding the contract; and  
232 d. the employee's job responsibilities and job description will not require him or her to be  
233 involved in the outside employer's contract in any way including, but limited to, its enforcement,  
234 oversight, administration, amendment, extension, termination or forbearance; and  
235 e. the employee demonstrates compliance with applicable merit rules regarding outside  
236 employment and obtains written permission from his or her supervisor; and  
237 ~~f. The employee has obtained a conflict of interest opinion from the commission on ethics~~  
238 ~~finding no conflict exists regarding the subject contract. The request for advisory opinion must~~  
239 ~~be made in writing and set forth and include all pertinent facts and relevant documents. The~~  
240 ~~employee has obtained a conflict of interest waiver from the chief administrative officer and the~~  
241 ~~employee's department head of the county or municipality based on a finding that no conflict~~  
242 ~~exists. The employee shall submit the request for waiver in writing and under oath. The request~~  
243 ~~for the waiver shall be signed by the employee under oath or affirmation on an approved form~~  
244 ~~provided by the Commission on Ethics. The document shall contain written acknowledgment of~~  
245 ~~compliance with the provisions of (5)a. through (5)e. of this subsection, together with such~~  
246 ~~pertinent facts and relevant documents that support such waiver. A waiver under this subsection~~  
247 ~~must be approved by both the employee's supervisor and chief administrative officer of the~~  
248 ~~county or municipality. The county or municipality shall record such waiver in the employee's~~  
249 ~~personnel file and shall submit a copy of the waiver and all related documents to the commission~~  
250 ~~on ethics. The commission on ethics in its discretion may elect to review, comment on, or~~  
251 ~~investigate any waiver. The commission on ethics review or investigation shall not delay an~~  
252 ~~employee's ability to take the part time employment.~~  
253 (eg. Official law enforcement overtime or extra duty details. The provisions of subsection (d)  
254 shall be waived for outside employment when that employment consists of a certified police  
255 agency uniformed external security or extra duty detail, contracted or administered by the police  
256 agency as applicable. For the purpose of this subsection, all records of external, extra duty or  
257 overtime security details, including supervisor approval, identity of contracting parties, and  
258 including time, date and manner of detail shall be maintained by the individual contracting or  
259 administrating police agency, records of which shall be accessible to the public subject to state  
260 public records disclosure exemptions.  
261 (f) Accepting travel expenses. No official or employee shall accept, directly or indirectly, any  
262 travel expenses including, but not limited to, transportation, lodging, meals, registration fees and  
263 incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer  
264 as applicable. The board of county commissioners or local municipal governing body as  
265 applicable may waive the requirements of this subsection by a majority vote of the board or local  
266 municipal governing body. The provisions of this subsection shall not apply to travel expenses  
267 paid by other governmental entities or by organizations of which the county or municipality as  
268 applicable is a member if the travel is related to that membership.  
269 (fg) Contingent fee prohibition. No person shall, in whole or in part, pay, give or agree to pay  
270 or give a contingency fee to another person. No person shall, in whole or in part, receive or agree  
271 to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission,  
272 or nonmonetary benefit as compensation which is dependent on or in any way contingent on the

273 passage, defeat, or modification of: an ordinance, resolution, action or decision of the board of  
274 county commissioners or local municipal governing body as applicable, any employee  
275 authorized to act on behalf of the board of county commissioners or local municipal governing  
276 body as applicable, the county administrator or municipal administrator as applicable, or any  
277 action or decision of an advisory board or committee. -This prohibition does not apply to real  
278 estate brokers when acting in the course of their profession as regulated by §§475.001-475.5018,  
279 Florida Statutes, as may be amended. Nothing in this section may be construed to prohibit any  
280 salesperson from engaging in legitimate government business on behalf of a company from  
281 receiving compensation or commission as part of a bona fide contractual arrangement with that  
282 company provided such compensation or commission is ordinary and customary in the industry.  
283 Nothing in this section may be construed to prohibit an attorney from representing a client in a  
284 judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

285 (gh) *Honesty in applications for positions.* No person seeking to become an official or  
286 employee, or seeking to enter into a contract to provide goods or services to the county or  
287 municipality as applicable, may make any false statement, submit any false document, or  
288 knowingly withhold information about wrongdoing in connection with employment by or  
289 services to the county or municipality as applicable.

290 (hj) *Disclosure or use of certain information.* A current or former official or employee shall not  
291 disclose or use information not available to members of the general public and gained by reason  
292 of his or her official position, except for information relating exclusively to governmental  
293 practices, for his or her personal gain or benefit or for the personal gain or benefit of any other  
294 person.

295 (Ord. No. 2009-051, pt. 1, § 3, 12-15-09; Ord. No. 2010-043, pt. 3, 9-28-10)

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**Sec. 2-444. Gift law.**

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(a)(1) No county commissioner, member of a local governing body, mayor or chief executive  
when not a member of the governing body, or employee, or any other person or business entity  
on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value  
of greater than one hundred dollars (\$100.00) in the aggregate for the calendar year from any  
person or business entity that the recipient knows, or should know with the exercise of  
reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies,  
sells or leases to the county or municipality as applicable.

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(2) No vendor, lobbyist, or principal or employer of a lobbyist that lobbies the county or a  
municipality shall knowingly give, directly or indirectly, any gift with a value greater than one  
hundred dollars (\$100.00) in the aggregate for the calendar year to a person who the vendor,  
lobbyist, or principal knows is an official or employee of that county or municipality. For the  
purposes of this subsection 2-444(a)(2), the term vendor also includes any person or entity that,  
because of the nature of their business, may respond to an invitation to bid, request for proposal  
or other procurement opportunity that has been published by the county or a municipality.

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(b)(1) No advisory board member, or any other person on his or her behalf, shall knowingly  
solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars  
(\$100.00) in the aggregate for the calendar year from any vendor, lobbyist, or any principal or  
employer of a lobbyist, who lobbies the recipient's advisory board, or any county or municipal  
department as applicable that is subject in any way to the advisory board's authority, influence or  
advice.

319 ~~(e)~~ (2) No vendor, lobbyist, or principal or employer of a lobbyist who lobbies an advisory  
320 board or any county or municipal department that is subject in any way to the advisory board's  
321 authority, influence or advice, shall knowingly give, directly or indirectly, any gift with a value  
322 greater than one hundred dollars (\$100.00) in the aggregate for the calendar year to a person who  
323 the vendor, lobbyist, or principal knows is a member of that advisory board. For the purposes of  
324 this subsection 2-444(b)(2), the term vendor also includes any person or entity that, because of  
325 the nature of their business, may respond to an invitation to bid, request for proposal or other  
326 procurement opportunity that has been published by the county or a municipality.

327 (c) No county commissioner, member of a local governing body, mayor or chief executive  
328 officer when not a member of the governing body, or employee, or any other person or business  
329 entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business  
330 entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist  
331 where the gift is for the personal benefit of the official or employee, another official or  
332 employee, or any relative or household member of the official or employee. No advisory board  
333 member or any other person or business entity on his or her behalf, shall knowingly solicit a gift  
334 of any value from any person or business entity that the recipient knows is a vendor, lobbyist or  
335 any principal or employer of a lobbyist who lobbies the recipient's advisory board, or any county  
336 or municipal department as applicable that is subject in any way to the advisory board's  
337 authority, influence or advice, where the gift is for the personal benefit of the advisory board  
338 member, another advisory board member, or an official, or any relative or household member of  
339 the official or employee.

340 (d) For purposes of this section, a principal or employer of a lobbyist shall include any officer,  
341 partner or director of the principal or employer entity, or any employee of a principal or  
342 employer who is not an officer, partner or director, provided that the employee knows or should  
343 know with the exercise of reasonable care that the principal or employer employs a lobbyist.

344 (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no  
345 official or employee shall accept or agree to accept a gift from a person or entity, because of:

- 346 (1) An official public action taken or to be taken, or which could be taken;  
347 (2) A legal duty performed or to be performed or which could be performed; or  
348 (3) A legal duty violated or to be violated, or which could be violated by any official or  
349 employee.

350 ~~(d)-f)~~ Gift reports. Any official or employee who receives a gift in excess of one hundred dollars  
351 (\$100.00) shall report that gift in accordance with this section.

352 (1) *Gift reports for officials and employees identified by state law as reporting individuals.*  
353 Those persons required to report gifts pursuant to state law shall report those gifts in the manner  
354 provided by Florida Statutes, § 112.3148, as may be amended. A copy of each report shall be  
355 filed with the county commission on ethics.

356 (2) *All other officials and employees.* ~~All other officials or employees who receive any gift in~~  
357 ~~excess of one hundred dollars (\$100.00) who are not reporting individuals under state law.~~

358 *a. Personal Gifts.* All officials and employees who are not reporting individuals under state law  
359 are not required to report gifts in excess of one hundred dollars (\$100.00) so long as those gifts  
360 are given to the official or employee by a personal friend or co-worker and the circumstances  
361 demonstrate that the motivation for the gift was the personal or social relationship rather than an  
362 attempt to obtain the goodwill or otherwise influence the official or employee in the performance  
363 of his or her official duties. Factors to be considered in determining whether a gift was  
364 motivated by a personal or social relationship may include but shall not be limited to: whether



365 the relationship began before or after the official or employee obtained his or her office or  
366 position; the prior history of gift giving between the individuals; whether the gift was given in  
367 connection with a holiday or other special occasion; whether the donor personally paid for the  
368 gift or sought a tax deduction or business reimbursement; and whether the donor gave similar  
369 gifts to other officials or employees at or near the same time. If the personal friend or co-worker  
370 is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the county or  
371 municipality as applicable, then the official or employee shall not accept a gift in excess of  
372 \$100.00 in accordance with subsections (a)(1) and (b)(1).

373 b. All other gifts. All officials or employees who are not reporting individuals under state law  
374 and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise  
375 excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift  
376 disclosure report with the county commission on ethics no later than November 1 of each year  
377 beginning November 1, 2011, for the period ending September 30 of each year. OtherAll  
378 officials or employees who are not reporting individuals under state law and who do not receive  
379 a gift in excess of one hundred dollars (\$100.00) during a given reporting period shall not file an  
380 annual gift disclosure report. The annual gift disclosure report shall be created by the county  
381 commission on ethics and shall be in a form substantially similar in content as that required by  
382 state law.

383 ~~(e)-~~

384 (g) For the purposes of this section, "gift" shall refer to the transfer of anything of economic  
385 value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or  
386 promise, or in any other form, without adequate and lawful consideration. Food and beverages  
387 consumed at a single setting or a meal shall be considered a single gift, and the value of the food  
388 and beverage provided at that sitting or meal shall be considered the value of the gift. In  
389 determining the value of the gift, the recipient of the gift may consult, among other sources,  
390 section 112.3148, Florida Statutes and the Florida Administrative Code as may be amended.

391 (1) Exceptions. The provisions of subsection ~~(e)~~ (g) shall not apply to:

392 a. Political contributions specifically authorized by state or federal law;

393 ~~b. Gifts from relatives or members of one's household. For the purposes of this subsection,~~  
394 ~~"relative" means, spouse, parent, grandparent, child, sibling, uncle, aunt, first cousin, nephew,~~  
395 ~~niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,~~  
396 ~~stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister;~~

397 e-b. Gifts from relatives, domestic partners, and dependents named on the official's or  
398 employee's latest federal income tax return, or one's household member;

399 c. Awards for professional or ~~civil~~civic achievement;

400 d. Materials such as books, reports, periodicals or pamphlets which are solely informational or  
401 of an advertising nature;

402 ~~e. Gifts solicited or accepted by county or municipal officials or employees as applicable on~~  
403 ~~behalf of the county or municipality in performance of their official duties for use solely by the~~  
404 ~~county or municipality in conducting official business;~~

405 ~~f. Gifts solicited by commissioners or members of local municipal governing bodies as~~  
406 ~~applicable on behalf of the county or municipality in performance of their official duties for use~~  
407 ~~solely by the county or municipality in conducting its official business for a public purpose;~~

408 ~~(Ord. No. 2009-051, pt. 1, § 4, 12-15-09; Ord. No. 2010-043, pt. 4, 9-28-10)~~

409 f. Publicly advertised offers for goods or services from a vendor under the same terms and  
410 conditions as are offered or made available to the general public;

411 g. Inheritance or other devise;  
412 h. Registration fees and other related costs associated with educational or governmental  
413 conferences, meetings or seminars and travel expenses either properly waived or inapplicable  
414 pursuant to section 2-443(f), provided that attendance is for governmental purposes, and  
415 attendance is related to their duties and responsibilities as an official or employee of the county  
416 or municipality;  
417 i. A ticket, pass or admission in connection with public events, appearances or ceremonies  
418 related to official county or municipal business, if furnished by a nonprofit sponsor organization  
419 of such public event, or if furnished pursuant to a contract between the event's non-profit  
420 sponsor and the county or municipality as applicable, provided the sponsor organization does not  
421 employ a lobbyist, and further provided the ticket, pass or admission is given by a representative  
422 of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a  
423 lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or  
424 admission must be disclosed in accordance with the gift law reporting requirements of  
425 subsections 2-444(f)(1) and (f)(2);  
426 j. Expenditures made in connection with an event sponsored by a nonprofit organization funded  
427 in whole or in part with public funds whose primary function is to encourage and attract tourism  
428 or other business opportunities for the benefit of Palm Beach County or the municipalities as  
429 applicable, provided the sponsor organization does not employ a lobbyist, and further provided  
430 that the invitation to the event is made by a representative of the sponsor organization and the  
431 representative is not otherwise a vendor, lobbyist, principal or employer of a lobbyist.  
432 Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed  
433 in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2).  
434 (h) Solicitation of Contributions on Behalf of a Non-Profit Charitable Organization.  
435 (1) Notwithstanding the prohibition on gifts as outlined in subsection 2-444(a) and  
436 (b), the solicitation of funds by a county or municipal official or employee for a non-  
437 profit charitable organization, as defined under the Internal Revenue Code, is permissible  
438 so long as there is no quid pro quo or other special consideration, including any direct or  
439 indirect special financial benefit to the official or employee or to the person or entity  
440 being solicited. The solicitation by an official or employee as contemplated herein, is  
441 expressly prohibited if made to any person or entity with a pending application for  
442 approval or award of any nature before the county or municipality as applicable.  
443 (2) To promote the full and complete transparency of any such solicitation, officials  
444 and employees shall disclose, on a form provided by the Commission on Ethics, the name  
445 of the charitable organization, the event for which the funds were solicited, the name of  
446 any person or entity that was contacted regarding a solicitation or pledge by the official  
447 or employee, and the amount of the funds solicited or pledged if known. The form shall  
448 be completed legibly and shall be filed with the Commission on Ethics. The form shall  
449 be filed within 30 days from the occurrence of the event for which the solicitation was  
450 made, or if no event, within 30 days from the occurrence of the solicitation.  
451 (3) Officials and employees may not use county or municipal staff or other county or  
452 municipal resources in the solicitation of charitable contributions described in this  
453 subsection.

454  
455 **Sec. 2-445. Anti-nepotism law.**

456 An official may not appoint, employ, promote, advance, or advocate for appointment,  
457 employment, promotion, or advancement in or to a position in the county or municipality as  
458 applicable in which the official is serving or over which the official exercises jurisdiction or  
459 control, any individual who is a relative of the official or domestic partner of the official. An  
460 individual may not be appointed, employed, promoted, or advanced in or to a position in the  
461 county or a municipality if such appointment, employment, promotion, or advancement has been  
462 advocated by an official, serving in or exercising jurisdiction or control over the county or  
463 municipality as appropriate, who is a relative or domestic partner of the individual or if such  
464 appointment, employment, promotion, or advancement is made by a collegial body of which a  
465 relative or domestic partner of the individual is a member. However, this section shall not apply  
466 to appointments to boards other than those with land-planning or zoning responsibilities in those  
467 municipalities with less than 35,000 population. This section does not apply to persons serving in  
468 a volunteer capacity who provide emergency medical, firefighting, or police services. Such  
469 persons may receive, without losing their volunteer status, reimbursements for the costs of any  
470 training they get relating to the provision of volunteer emergency medical, firefighting, or police  
471 services and payment for any incidental expenses relating to those services that they provide.  
472 Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the  
473 purposes of this section.

474 (1) For the purposes of this section, "official" means any official or employee in whom is  
475 vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to  
476 appoint, employ, promote, or advance individuals or to recommend individuals for appointment,  
477 employment, promotion, or advancement in connection with employment in the county or  
478 municipality as applicable.

479 (2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt,  
480 first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-  
481 in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-  
482 brother, or half-sister.

483 (Ord. No. 2009-051, pt. 1, § 5, 12-15-09)

484

485

486 **Sec. 2-446. Ethics training.**

487 (a) Officials and employees, as public servants, are considered stewards of the public trust and  
488 should aspire to the highest level of integrity and character. Officials and employees shall be  
489 informed of their ethical responsibilities at the start of their public service, and shall receive  
490 updates and training materials on ethics issues throughout the span of their public service. The  
491 county administrator or municipal administrator as applicable shall establish by policy a  
492 mandatory training schedule for all officials and employees which shall include mandatory  
493 periodic follow-up sessions. This policy may also address ethics training for entities that receive  
494 county or municipal funds as applicable.

495 (b) The commission on ethics shall develop and deliver, or contract with other entities to  
496 develop and deliver, training programs. The commission on ethics shall coordinate and cooperate  
497 with all affected county or municipal entities, departments, agencies, boards, councils and  
498 commissions to ensure that effective and meaningful training experiences are delivered in a  
499 timely and efficient manner.

500 (Ord. No. 2009-051, pt. 1, § 6, 12-15-09)

501

502 **Sec. 2-447. Noninterference.**

503 It shall be a violation of this article for any person: (a) to retaliate against, punish, threaten,  
504 harass, or penalize any person for communicating, cooperating with, or assisting the commission  
505 on ethics or the inspector general; or (b) to interfere, obstruct or attempt to interfere or obstruct  
506 without valid legal basis any investigation conducted by the commission on ethics or the  
507 inspector general.

508 (~~Ord. No. 2009-051, pt. 1, § 7, 12-15-09~~)

509

510

511 **Sec. 2-448. Administration, enforcement and penalties.**

512 (a) The commission on ethics shall be empowered to review, interpret, render advisory  
513 opinions, and enforce this code of ethics pursuant to the procedures established in the county  
514 commission on ethics ordinance. Jurisdiction of the commission on ethics with respect to  
515 advisory opinions rendered shall extend to all county and municipal officials and employees, and  
516 all other persons and entities required to comply with the provisions of this code and the county  
517 lobbyist registration ordinance, including but not limited to lobbyists, their employers and  
518 principals, and contractors and vendors.

519 (b) A finding by the commission on ethics of a violation of any part of this article shall subject  
520 the person or entity to public reprimand, a fine of up to five hundred dollars (\$500.00), or both.

521 The commission on ethics may also order the person or entity to pay restitution when the person  
522 or entity or a third party has received a pecuniary benefit as a result of the person's violation.

523 (c) Upon a finding of the commission on ethics that a violation of this article or the lobbyist  
524 registration ordinance resulted in a contract, grant, subsidy, license, permit, franchise, use,  
525 certificate, development order or other benefit conferred by the county or municipality as  
526 applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate,  
527 development order or other benefit may be rescinded or declared void by the board of county  
528 commissioners or the local municipal governing body as applicable.

529 (d) The commission on ethics may in its discretion refer willful violations of sections 2-443, 2-  
530 444(a), 2-444(b), 2-444(c), ~~2-444(e)~~, or 2-447 to the state attorney. Pursuant to Florida Statutes,  
531 § 125.69, a person who violates the sections of the article set forth in this section 2-448(d) shall  
532 be subject to prosecution in the name of the state in the same manner as first degree  
533 misdemeanors are prosecuted, and upon conviction, such person shall be punished by a fine not  
534 to exceed one thousand dollars (\$1,000.00), imprisonment not to exceed one (1) year, or both.

535 (~~Ord. No. 2009-051, pt. 1, § 8, 12-15-09; Ord. No. 2010-043, pt. 5, 9-28-10~~)

536 ~~Secs. 2-449-2-460. Reserved.~~

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540 ~~Revisions.docx~~

### Summary of substantive changes

- Added definition of Lobbying to match county lobbyist registration ordinance
- Added definition of vendor
- Added prohibition of corrupt misuse of official position: An official or employee may not corruptly use his or her official position to secure a special privilege for any person. Corruptly means done with a wrongful intent and for the purpose of obtaining a benefit from an act of the official or employee which is inconsistent with the proper performance of public duty.
- Amended contractual relationships/advisory board waivers: Prohibition does not apply and waiver is not required for an advisory board member whose contract or transaction is disclosed at a public meeting of the board, provided the board does not regulate, oversee, manage or set policy regarding the contract or transaction. If the board is purely advisory and provides oversight, regulation, management or policy regarding the contract or transaction a waiver will be required. If the board is not purely advisory, no waiver is permitted.
- Amended regulation of outside employment for county and municipal employees: Employees may seek outside part-time employment provided they comply with the conflict of interest provisions of the waiver section and file a waiver form, under oath, approved by their department head and the chief administrative officer of the county or municipality. Police agency extra duty details contracted or administered by the agency are exempt from the waiver requirements. Records maintained by that agency must be available for public review.
- Amended Gift Law prohibitions: elected officials and employees may not solicit or accept gifts with a value greater than \$100.00 in the aggregate per calendar year from a vendor, lobbyist, principal or employer of a lobbyist. Vendors, lobbyists, principals or employers of lobbyists may not give gifts with a value greater than \$100 in the aggregate per calendar year to an official or employee of the entity they contract with or lobby. Advisory board members and vendors have the same prohibition, applicable to any vendor, lobbyist, principal or employer of a lobbyist who contracts or lobbies their board or department.
- Added gift solicitation prohibition: No official or employee may solicit a gift of any value from a lobbyist, principal, or vendor for his or her personal benefit, or the benefit of any relative, household member, or other official or employee.
- Added exclusion for certain personal gifts: Non state reporting individuals do not have to report gifts in excess of \$100.00 received from personal friends provided the friends are not vendors, lobbyists, principals or employers of lobbyists.
- Additional exceptions to the gift law include:
  - 1- Publicly advertised specials, available to members of the general public;
  - 2- Registration fees and travel expenses for educational conferences where the attendance is related to official duties;
  - 3- Public event tickets, etc. furnished by a non-profit sponsor who does not employ a lobbyist so long as the ticket is not given by a vendor, lobbyist, principal or employer of a lobbyist;
  - 4- Expenditures made in connection with an event sponsored by a non-profit organization funded with public funds whose primary function is to encourage and attract tourism and business opportunities to Palm Beach County provided the organization does not employ a

lobbyist and the invitation to the event is not made by a vendor, lobbyist, principal or employer of a lobbyist;

5- Solicitations of contributions on behalf of a non-profit charitable organization with the maintenance and filing of a contact log;

6- Inheritance.

➤ Anti-nepotism law adopts the state language to include volunteer as well as paid positions.