

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 15, 2021 ☐ Consent ☐ Regular ☒ Public Hearing

Department/Submitted By: COMMISSION ON ETHICS

I. EXECUTIVE BRIEF

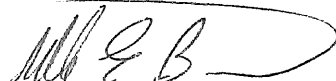

Motion and Title: Staff recommends motion to adopt: An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 2, Article XIII, "The Palm Beach County Code of Ethics" as amended; amending section 2-442 (definitions) amending section 2-443 (Prohibited Conduct); amending section 2-444 (Gift Law); amending section 2-446 (Ethics Training); amending section 2-448 (Administration, Enforcement and Penalties); providing for a Savings Clause; providing for Repeal of Laws in Conflict; providing for Severability; providing for Inclusion in the Code of Laws and Ordinances; providing for Enforcement; providing for Penalties; and providing for an Effective Date.

SUMMARY: The Board of County Commissioners adopted the Palm Beach County Code of Ethics Ordinance as a Countywide Ordinance in May of 2011, in accordance with the County Charter. The Charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to review and recommend proposed changes to the Commission on Ethics Ordinance. These amendments were proposed by the Commission on Ethics and recommended for approval by the ordinance review committee. The amendments would amend the definition of lobbyist to include those who register in the county's central lobbyist registry or with any municipality; amend the definition of employee to include volunteers when such volunteers exercise discretionary police, fire, or parking enforcement department authority; amend the definition of employee to include the chief executive officer of the county or any municipality, who is not part of the local governing body; amend the definition of employee to include "privatized" chief administrative officers or chief executive officers and officer, directors, and employees of any entity utilized by the county or municipality to provide such services; amend the definition of employee to not include local government attorneys who are not actual employees of the county or a municipality but contract for these services, as defined in Florida Statutes §112.313, or attorneys who render contracted services to the county or municipality that are limited in scope to a specific issue or subject, to specific litigation, or to a specific administrative proceeding; amend the definition of vendor to include definition of currently sells; amend the prohibited persons or entities which cannot receive special financial benefit to include any organization of which the official or employee is an officer or director; amend the prohibited persons or entities which cannot receive special financial benefit to not apply to any official or employee who is required to serve on the board of directors of any organization solely based on their official position (ex officio), regardless of whether they have voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization; require state reporting individuals to file a copy of their quarterly gift forms within 10 days to the Commission on Ethics; and remove the prohibition on officials and employees using county/municipal resources in solicitation of charitable contributions. Countywide (HJF)

Background and Policy Issues: The Palm Beach County Code of Ethics applies to all county and municipal officials and employees, lobbyists, their principals and employers, and vendors.

Attachment:

- 1. Proposed Code of Ethics Ordinance Amendments

Recommended by:		5/19/2021
	Mark E. Bannon, Executive Director	Date
Approved by:		6/11/21
	Todd Bonlarro, Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

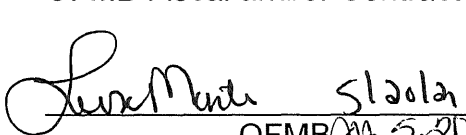
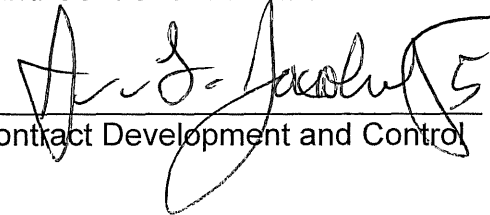
Reporting Category _____

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

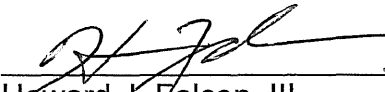
C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

 Sloan 5/20/21 5/20/21  5/26/21
OFMB Contract Development and Control

B. Legal Sufficiency:

 5/27/21
Howard J. Falcon, III
Chief Assistant County Attorney

C. Other Department Review:

Department Director

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

ORDINANCE NO 2021 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE XIII, "THE PALM BEACH COUNTY CODE OF ETHICS" AS AMENDED; AMENDING SECTION 2-442 (DEFINITIONS); AMENDING SECTION 2-443 (PROHIBITED CONDUCT); AMENDING SECTION 2-444 (GIFT LAW); AMENDING SECTION 2-446 (ETHICS TRAINING); AMENDING SECTION 2-448 (ADMINISTRATION, ENFORCEMENT AND PENALTIES); PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based on a referendum on November 2, 2010, concerning proposed amendments to the Palm Beach County Charter, a majority of voters in the County and in every municipality in Palm Beach County elected to require the Board of County Commissioners to adopt an ordinance to establish a countywide Commission on Ethics with the authority to review, interpret, render advisory opinions and to enforce the countywide Palm Beach County Code of Ethics and to provide ethics training for the benefit of local governments, citizens groups and the general public; and

WHEREAS, the Palm Beach County Board of County Commissioners adopted the Palm Beach County Code of Ethics Ordinance, Ordinance 2011-11 on May 17, 2011 and adopted amendments in Ordinance 2015-033 on September 22, 2015;

WHEREAS, the Board of County Commissioners finds that the amendments set forth herein advances the purposes and intent of the Palm Beach County Charter amendments approved by the electorate on November 2, 2010; and

WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to its authority under Florida Constitution, Article VIII, Section 1 (g), Section 125.01, Florida Statutes, the Palm Beach County Charter, hereby amends the Palm Beach County Commission on Ethics Ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

40 **Part 1.** Section 2-442 is amended as follows:

41 **Sec. 2-442. Definitions.**

42 The following words, terms, and phrases, when used in this article, shall have the
43 meanings ascribed to them in this section, except where the context clearly indicates a
44 different meaning, or where expressly provided herein to the contrary:

45 *****

46 *Gift* shall refer to the transfer of anything of economic value, whether in the form of
47 money, service, loan, travel, entertainment, hospitality, item or promise of these, or in any
48 other form, without adequate and lawful consideration. Food and beverages consumed at a
49 single setting or a meal shall be considered a single gift, and the value of the food and beverage
50 provided at that sitting or meal shall be considered the value of the gift. In determining the
51 value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes,
52 §112.3148, and the Florida Administrative Code as may be amended.

53 *Household member* includes anyone whose primary residence is in the official or
54 employee's home, including non-relatives who are not ~~rent payers~~renters or employees of the
55 head of the household.

56 *****

57 *Lobbyist* shall mean any person who is employed and receives payment, or who contracts
58 for economic consideration, or who registers in the county's central lobbyist registration database
59 or with any municipality, for the purpose of lobbying on behalf of a principal, and shall include an
60 employee whose principal responsibility to the employer is overseeing the employer's various
61 relationships with government or representing the employer in its contacts with government.

62 *"Lobbyist"* shall not include:

63 *****

64 (2) Any person who is retained or employed for the purpose of representing an employer,
65 principal or client only during a publicly noticed quasi-judicial hearing or comprehensive
66 plan hearing, provided the person identifies the employer, principal or client at the hearing,
67 and providing that the person is not otherwise registered as a lobbyist in the county's central
68 lobbyist registration database, or with any municipal lobbyist registration system when that
69 municipality has its own lobbyist registration process.

70 *****

71 ***Official or employee*** means any official or employee of the county or the municipalities
72 located within the county, whether paid or unpaid. The term "employee" includes but is not limited
73 to all managers, department heads, and personnel of the county or the municipalities located within
74 the county. The term also includes ~~contract personnel and contract administrators performing a~~
75 ~~government function, and chief executive officer, who is not part of the local governing body~~
76 volunteers of the county or the municipalities located within the county when such volunteers
77 exercise discretionary police, fire, or parking enforcement department authority. The term
78 "employee" also includes the chief executive officer of the county or any municipality, who is not
79 part of the local governing body. If the county or municipality utilizes and contracts for
80 "privatized" chief administrative officers or chief executive officers, then the person providing
81 such services, or the officers, directors, and employees of any entity providing such services, shall
82 be considered the employees of the county or municipality that they serve. However, it shall not
83 include local government attorneys as defined in Florida Statutes § 112.313, or attorneys who
84 render contracted services to the county or municipality that are limited in scope to a specific issue
85 or subject, to specific litigation, or to a specific administrative proceeding. The term "official"
86 shall mean members of the board of county commissioners, a mayor, members of local municipal
87 governing bodies, and members appointed by the board of county commissioners, members of
88 local municipal governing bodies or mayors or chief executive officers that are not members of
89 local municipal governing body, as applicable, to serve on any advisory, quasi-judicial, or any
90 other board of the county, state, or any other regional, local, municipal, or corporate entity.

91 ****

92 ***Principal*** shall mean the person or entity a lobbyist represents, including a lobbyist's
93 employer, for the purpose of lobbying.

94 *****

95 ***Vendor*** means any person or entity who has a pending bid proposal, an offer or request to
96 sell goods or services or to sell or lease real or personal property, or who currently sells goods or
97 services, or sells or leases real or personal property to the county or municipality involved in the
98 subject contract or transaction as applicable. For the purposes of this definition, a vendor entity
99 includes an owner, director, manager or employee. Currently sells goods or services shall mean
100 the period of time of an actual transaction or contract between a vendor and the government entity
101 if such transaction or contract exceeds \$500. Where no formal contract exists for the sale or lease

102 of goods and services, it shall include the period of time from the point the government entity
103 orders or otherwise agrees to purchase goods and services from a vendor, to the point that all
104 obligations on the part of both the vendor and the government entity have been satisfied by delivery
105 of the goods and/or services by the vendor, and payment has been received for those goods and
106 services by the vendor, and where no other obligations by either party concerning the purchase of
107 the goods and/or services remain unsatisfied. However, it shall not include any warranty period
108 provided by the vendor once payment for the goods and services has been received and the goods
109 and services have been delivered, even where an obligation to provide warranty service on the part
110 of the vendor shall exist.

111 **Part 2.** Section 2-443 is amended as follows:

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

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

119 ****

120 (7) A civic group, union, social, charitable, or religious organization, or other ~~not for profit~~
121 organization of which he or she (or his or her spouse or domestic partner) is an officer
122 or director. However, this sub-section shall not apply to any official or employee who
123 is required to serve on the board of directors of any organization solely based on his or
124 her official position (ex officio), regardless of whether he or she has voting rights on
125 the board, and who receives no financial compensation for such service on the board
126 of directors, and otherwise has no personal ownership interest in the organization.

127 (b) *Corrupt misuse of official position.* An official or employee shall not use or attempt to use
128 his or her official position or office, or any property or resource which may be within his
129 or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or
130 exemption for himself, herself, or others. For the purposes of this subsection, "corruptly"
131 means done with a wrongful intent and for the purpose of obtaining, or compensating or

receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

(c) ***Disclosure of voting conflicts.*** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The term “participate” as used in this section shall be defined as: “To take any action, or to influence others to take any action, or to attempt to do any of these things, in order to affect the passage or defeat of the specific matter before the voting body in which the official is required to abstain from voting.” The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

(e) ***Exceptions and waiver.*** The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member's board is purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. No waiver shall be allowed where the advisory board member's board is not purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Waiver may be effected by the board of county commissioners or by the local municipal governing body as applicable upon full disclosure of the contract or transaction prior to the waiver and an affirmative vote of a majority plus one (1) of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a

public hearing, by the appointing person. In addition, no official or employee shall be held in violation of subsection (d) if:

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

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

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

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

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

a. ~~The employee or relative of the employee~~ or his or her spouse, domestic partner, household member, or relative does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and

c. ~~The employee or relative of the employee~~ or his or her spouse, domestic partner, household member, or relative has not participated in determining the subject contract requirements or awarding the contract; and

- e. The employee demonstrates compliance with applicable ~~merit rules~~ county or municipal policy regarding outside employment and obtains written permission from his or her supervisor; and
- f. The employee has obtained a conflict of interest waiver ~~from~~ signed by the chief administrative officer, or his or her designee, and the employee's ~~department head of the county or municipality~~ direct supervisor, or his or her designee, based on a finding that no conflict exists. The employee shall submit the request for waiver in writing and under oath. ~~The request for the waiver shall be signed by the employee under oath~~ or affirmation on an approved form provided by the commission on ethics. The document shall contain written acknowledgment of compliance with the provisions of subsection (5)a. through (5)e. of this subsection, together with such pertinent facts and relevant documents that support such waiver. A waiver under this subsection must be approved by both the employee's direct supervisor and the chief administrative officer of the county or municipality or their designees. The county or municipality shall record such waiver in the employee's personnel file and shall submit a copy of the waiver and all related documents to the commission on ethics. The commission on ethics in its discretion may elect to review, comment on, or investigate any waiver. The commission on ethics review or investigation shall not delay an employee's ability to take the part-time employment.
- g. *Official law enforcement or fire rescue overtime or extra duty details approved by the county or municipality of the employee.* The provisions of subsection (d) shall be waived for outside employment when that employment consists of a certified police agency ~~uniformed external security or~~ extra duty detail or a certified firefighter or paramedic extra duty detail when contracted or administered by the police or fire rescue agency as applicable. For the purpose of this subsection, all records of external, extra duty or overtime security details, including supervisor approval, identity of contracting parties, and including time, date and manner of detail shall be maintained by the individual contracting or administering police or fire rescue agency, records of which shall be accessible to the public subject to state public records disclosure exemptions.

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

(h) ***Honesty in applications for positions.*** No person seeking to become an official or employee, or seeking any promotion or job reassignment within the public entity that currently employs them, or seeking to enter into a contract or otherwise seeking to provide goods or services to the county or municipality as applicable, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the county or municipality as applicable.

Part 3. Section 2-444 is amended as follows:

Sec. 2-444. Gift law.

(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) in the

256 aggregate for the calendar year from any person or business entity that the recipient
257 knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or
258 any principal or employer of a lobbyist who lobbies, sells, or leases to the county or
259 municipality as applicable.

260 (2) No vendor, lobbyist, or principal or employer of a lobbyist that lobbies, sells, or leases
261 to the county or a municipality as applicable, shall knowingly give, directly or
262 indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate
263 for the calendar year to a person who the vendor, lobbyist, or principal knows, or should
264 know with the exercise of reasonable care, is an official or employee of that county or
265 municipality. For the purposes of this subsection (a)(2), the term vendor also includes
266 any person or entity that, because of the nature of their business, may respond to an
267 invitation to bid, request for proposal or other procurement opportunity that has been
268 published by the county or a municipality.

269 (b) (1) No advisory board member, or any other person on his or her behalf, shall knowingly
270 solicit or accept directly or indirectly, any gift with a value of greater than one hundred
271 dollars (\$100) in the aggregate for the calendar year from any person or business entity
272 that the recipient knows, or should know with the exercise of reasonable care, is a
273 vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases
274 to the recipient's advisory board, or any county or municipal department as applicable
275 that is subject in any way to the advisory board's authority, influence or advice.

276 (2) No vendor, lobbyist, or principal or employer of a lobbyist who lobbies, sells, or leases
277 to an advisory board or any county or municipal department as applicable that is subject
278 in any way to the advisory board's authority, influence or advice, shall knowingly give,
279 directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in
280 the aggregate for the calendar year to a person who the vendor, lobbyist, or principal
281 knows, or should know through the exercise of reasonable care, is a member of that
282 advisory board. For the purposes of this subsection (b)(2), the term vendor also includes
283 any person or entity that, because of the nature of their business, may respond to an
284 invitation to bid, request for proposal or other procurement opportunity that has been
285 published by the county or a municipality.

(c) No county commissioner, member of a local governing body, mayor or chief executive officer 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 a gift of any value 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, where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee. No advisory board member or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value 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 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, where the gift is for the personal benefit of the advisory board member, another advisory board member, ~~or an~~ another official or employee, or any relative or household member of the official or employee.

(f) **Gift reports.** Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.

(1) *Gift reports for officials and employees ~~identified~~ identified by state law as reporting individuals.* Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended, including, but not limited to, the state's definition of gift, exceptions thereto, and gift valuations. The county code of ethics' definition of gift and exceptions thereto shall not be used by reporting individuals to complete and file state gift reporting disclosures. When a state reporting individual files or is required to file a gift report with the state, a copy of each report shall also be filed ~~contemporaneously~~ with the county commission on ethics no later than ten (10) days after the report is filed with the state. Failure to file a State of Florida Quarterly Gift Disclosure Form with the county commission on ethics within the required timeframe shall be a violation of this section.

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

b. *All other gifts.* All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year January 31 of each year for the previous calendar year (January 1 through December 31). All officials or employees, who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period, shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law. The county code of ethics' definition of gift and exceptions thereto shall be used by non-state-reporting individuals in completing and filing annual gift disclosure reports required by this section.

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

(1) ~~Exceptions. The provisions of subsection (g) shall not apply to:~~ For the purposes of this section, the following shall not be considered a gift:

(1) ~~a.~~ Political contributions specifically authorized by state or federal law;

(2) ~~b.~~ Gifts from any relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;

(3) ~~c.~~ Awards for professional or civic achievement;

(4) ~~d.~~ Materials such as books, reports, periodicals or pamphlets ~~which~~ that are solely informational or of an advertising nature;

348 ~~(5) e.~~ Gifts solicited or accepted by county or municipal officials or employees as
349 applicable on behalf of the county or municipality in performance of their official
350 duties for use solely by the county or municipality for a public purpose;

351 ~~(6) f.~~ Publicly advertised offers for goods or services from a vendor under the same terms
352 and conditions as are offered or made available to the general public;

353 ~~(7) g.~~ Inheritance or other devise;

354 ~~(8) h.~~ Registration fees and other related costs associated with educational or
355 governmental conferences, meetings or seminars and travel expenses either
356 properly waived or inapplicable pursuant to section 2-443(f), provided that
357 attendance is for governmental purposes, and attendance is related to his or her
358 duties and responsibilities as an official or employee of the county or municipality;

359 ~~(9) i.~~ A ticket, pass or admission in connection with public events, appearances or
360 ceremonies related to official county or municipal business, if furnished by a
361 nonprofit sponsor organization of such public event, or if furnished pursuant to a
362 contract between the event's non-profit sponsor and the county or municipality as
363 applicable, provided the sponsor organization does not employ a lobbyist, and
364 further provided the ticket, pass or admission is given by a representative of the
365 sponsor organization who is not otherwise a ~~vendor~~ lobbyist, or a principal or
366 employer of a lobbyist. Notwithstanding the exception as provided in this
367 subsection, the ticket, pass, or admission must be disclosed in accordance with the
368 gift law reporting requirements of subsections (f)(1) and (f)(2);

369 ~~(10) j.~~ Expenditures made in connection with an event sponsored by a nonprofit
370 organization funded in whole or in part with public funds whose primary function
371 is to encourage and attract tourism or other business opportunities for the benefit of
372 Palm Beach County or the municipalities as applicable, provided the sponsor
373 organization does not employ a lobbyist, and further provided that the invitation to
374 the event is made by a representative of the sponsor organization and the
375 representative is not otherwise a ~~vendor~~, lobbyist, or a principal or employer of a
376 lobbyist. Notwithstanding the exception as provided in this subsection, the
377 expenditure must be disclosed in accordance with the gift law reporting
378 requirements of subsections (f)(1) and (f)(2).

379 (h) Solicitation of contributions on behalf of a non-profit charitable organization.

380 ****

381 ~~(3) Officials and employees may not use county or municipal staff or other county or~~
382 ~~municipal resources in the solicitation of charitable contributions described in this~~
383 ~~subsection.~~

384 ****

385 **Part 4.** Section 2-446 is amended as follows:

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

387 (a) Officials and employees, as public servants, are considered stewards of the public trust and
388 should aspire to the highest level of integrity and character. Officials and employees shall
389 be informed of their ethical responsibilities at the start of their public service, and shall
390 receive updates and training materials on ethics issues throughout the span of their public
391 service. The county administrator or municipal administrator as applicable shall establish
392 by policy a mandatory training schedule for all officials, and employees, and local
393 government attorneys as defined in Florida Statutes §112.313, which shall include
394 mandatory periodic follow-up sessions. This policy may also address ethics training for
395 entities that receive county or municipal funds as applicable.

396 **Part 5.** Section 2-448 is amended as follows:

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

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

405 ****

406 (c) Upon a finding of the commission on ethics or hearing officer that a violation of this article
407 or the lobbyist registration ordinance resulted in a contract, grant, subsidy, license, permit,
408 franchise, use, certificate, development order or other benefit conferred by the county or

municipality as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the board of county commissioners or the local municipal governing body as applicable.

(d) The commission on ethics may ~~in its discretion~~ refer willful violations of sections 2-443, 2-444(a), 2-444(b), 2-444(c), 2-444(e), or 2-447 to the state attorney when deemed appropriate. Pursuant to Florida Statutes, §125.69, a person who violates the sections of the article set forth in this section 2-448(d) shall be subject to prosecution in the name of the state in the same manner as first degree misdemeanors are prosecuted, and upon conviction, such person ~~shall~~ may be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed one (1) year, or both.

Part 6. Savings Clause.

All complaints, investigations, advisory opinions, recommended orders, final orders, requests for advisory opinions, hearing processes, and all other functions of the Palm Beach County Commission on Ethics, initiated or completed pursuant to Ordinances 2011-10, 2011-11, or 2011-39, as may be amended, shall remain in full force and effect.

Part 7. Repeal of Laws in Conflict.

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

Part 8. Severability.

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

Part 9. Inclusion in the Code of Laws and Ordinances.

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

Part 10. Enforcement.

This Ordinance is enforceable by all means provided by law. Additionally, the County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County.

440 **Part 11.** Penalty.

441 Any violation of any portion of this Ordinance shall be punishable as provided by law.

442 **Part 12.** Effective Date.

443 The provisions of this Ordinance shall become effective on July 1, 2021.

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

445 County, Florida, on this the ____ day of _____, 2021.

446 ATTEST:	PALM BEACH COUNTY, FLORIDA,
447 JOSEPH ABRUZZO, CLERK	BY ITS BOARD OF
448 OF THE CIRCUIT COURT	COUNTY COMMISSIONERS
449 & COMPTROLLER	

450		
451		
452 By: _____	By: _____	
453 Deputy Clerk	Dave Kerner, Mayor	

454

455

456 (SEAL)

457

458 APPROVED AS TO FORM AND

459 LEGAL SUFFICIENCY

460

461

462 By: _____

463 County Attorney

464

465 Filed with the Department of State on the ____ day of _____, 2021.