



**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2026	2027	2028	2029	2030
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 _____			
Is this item using Federal Funds?	Yes _____	No _____			
Is this item using State Funds?	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:

<p><u>Lucy Mart</u> 3/30/2026                  OFMB                  3/30/26</p>	<p><u>Brandi Mack</u> 3/31/26                  Contract Development and Control                  3.31.26</p>
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B. Legal Sufficiency:

David C. Behar 3/31/26  
 David C. Behar  
 Chief Assistant County Attorney

C. Other Department Review:

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

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



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

46   \*\*\*

47   **Part 1.** Section 2-260 is amended as follows:

48   **Section 2-260 – Procedure on Complaints filed.**

49   **(a) Filing of complaints.**

- 50       (1) Any person may file a complaint with the commission on ethics.
- 51       (2) ~~The executive director of the commission on ethics, the~~ office of inspector general, or ~~the~~  
52           office of the state attorney may file a complaint with the commission on ethics.
- 53       (3) The commission on ethics is prohibited from self-initiating a complaint.

54   **(b) Legal sufficiency of complaints.**

- 55       (1) In order to be found legally sufficient, complaints filed by persons under section (a)1  
56           above, must:

57   \*\*\*

- 58           c. Be based ~~substantially~~ upon the personal knowledge of the complainant or on  
59           information other than hearsay; and

60   \*\*\*

- 61       (2) In order to be found legally sufficient, complaints filed by ~~the executive director of the~~  
62           ~~commission on ethics, the~~ office of inspector general, or the office of the state attorney  
63           must:

64   \*\*\*

65       Upon a finding of legal sufficiency, pursuant to Section 2-260(b)(1) or (b)(2) as applicable, by  
66       the executive director or general counsel, the commission on ethics staff shall initiate an  
67       preliminary investigation.

68   \* \* \*

- 69       ~~(d) Preliminary investigation~~ Probable cause determination and public hearing. An  
70           preliminary investigation shall be undertaken by the commission on ethics of each legally  
71           sufficient complaint over which the commission on ethics has jurisdiction to determine  
72           whether there is probable cause to believe that a violation has occurred. If, upon completion  
73           of the ~~preliminary~~ investigation, the commission on ethics finds no probable cause to  
74           believe that a violation has been committed, the commission on ethics shall dismiss the

75 complaint with the issuance of a report to the complainant and the respondent. If the  
76 commission on ethics finds from the preliminary investigation probable cause to believe  
77 that a violation has been committed, it shall set the matter for a public hearing and notify  
78 respondent via certified mail, hand delivery, or courier. The commission on ethics may use  
79 telephone or electronic mail as a secondary means of notice. The commission on ethics or  
80 the hearing officer conducting the public hearing may order commission staff to conduct  
81 such further investigation as it deems necessary, and may enter into such stipulations and  
82 settlements as it finds to be just and in the best interest of the citizens of the county. The  
83 public hearing provided for in this section shall be held within one hundred twenty (120)  
84 days of the probable cause determination unless extended by the commission on ethics or  
85 the hearing officer for good cause based on the request of a party or on its own initiative.

86 \*\*\*

87 (g) **Public records exemption.** The commission on ethics and its staff shall be considered "an  
88 appropriate local official" for the purposes of whistleblower protection provided for in  
89 Section 112.3188(1), Florida Statutes. The complaint and all records held by the  
90 commission on ethics and its staff related to an active preliminary investigation are  
91 confidential and exempt from disclosure in a manner consistent with the provisions in  
92 Florida Statutes, Sections 112.324(2) and (3) and 112.3188(2). In addition, any proceeding  
93 conducted by the commission on ethics pursuant to a complaint or preliminary  
94 investigation is exempt from the provision Section 286.011, Florida Statutes, and Article  
95 1, §24(b), Florida Constitution, as set forth in Section 112.324(2) and (3), Florida Statutes.  
96 Once an preliminary investigation is complete and a probable cause determination made,  
97 all other proceedings conducted pursuant to this subsection shall be public meetings within  
98 the meaning of Florida Statutes, Ch. 286, and all other documents made or received by the  
99 commission on ethics or hearing officer shall be public records within the meaning of  
100 Florida Statutes, Ch. 119, subject to whistleblower confidentiality as provided for in  
101 Section 112.3188(1), Florida Statutes.

102 \* \* \*

103 **Part 2.** Section 2-260.4 is amended as follows:

104 **Section 2-260.4 – Recovery of attorney’s fees and costs for Frivolous or groundless**  
105 **complaints.**

106 In any case in which the commission on ethics or hearing officer determines that the  
107 complaining party filed a frivolous or groundless complaint as defined in Florida Statutes, §57.105,  
108 or a complaint with malicious intent and with the knowledge that the complaint contains one or  
109 more false allegations, or with reckless disregard for whether the complaint contains material false  
110 allegations, the commission on ethics or hearing officer shall order the complaining party to pay  
111 any costs and attorney's fees incurred by the commission on ethics and/or the alleged violator. The  
112 determination by the commission on ethics or hearing officer regarding whether a complaint is  
113 frivolous or groundless shall be deemed conclusive.

114 (a) Award of fees and costs. The commission on ethics or hearing officer shall order the  
115 complainant to pay any attorney's fees and costs incurred by the commission on ethics and/or  
116 the respondent when it is determined that:

- 117 (1) The complaint was filed with malicious intent to injure the reputation of the respondent,  
118 and with knowledge that the complaint contained one or more false allegations; or  
119 (2) The complaint was filed with reckless disregard as to whether it contained false allegations  
120 of fact material to a violation.

121 (b) Filing of motion.

122 (1) A motion seeking attorney's fees and costs under this section may be filed by the  
123 respondent or initiated by the commission on ethics or hearing officer. Such motion shall  
124 be filed no later than thirty (30) calendar days after the issuance of the final order resolving  
125 the complaint.

126 (2) A motion filed by a respondent under this section shall include:

- 127 a. A statement of the legal and factual basis for the request;  
128 b. Identification of any portion of the complaint alleged to be frivolous, malicious, or  
129 groundless;  
130 c. A detailed accounting of the attorney's fees and costs incurred in responding to the  
131 complaint; and  
132 d. Supporting documentation or affidavits establishing bad faith, knowledge of false  
133 statement, or reckless disregard by the complainant.

134 (3) The complainant shall have fourteen (14) calendar days from receipt of the motion to file  
135 a written response.

136 (c) Hearing and determination. The commission on ethics or hearing officer shall schedule a

137 hearing on the motion within sixty (60) days of its filing and shall issue a written decision  
138 stating with particularity its reasoning within forty-five (45) calendar days of the hearing. If  
139 the commission on ethics or hearing officer awards attorney's fees and costs, the complainant  
140 shall pay such costs and fees within sixty (60) days of the date of the order. Failure to remit  
141 payment shall entitle the respondent to initiate a civil action in a court of competent jurisdiction  
142 to recover the costs and fees awarded by the commission.

143 **Part 3. Savings Clause.**

144 All complaints, investigations, advisory opinions, recommended orders, final orders,  
145 requests for advisory opinions, hearing processes, and all other functions of the Palm Beach County  
146 Commission on Ethics, initiated or completed pursuant to Ordinances 2011-10, 2011-11, or  
147 2011-39, as may be amended, shall remain in full force and effect.

148 **Part 4. Repeal of Laws in Conflict.**

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

151 **Part 5. Severability.**

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

155 **Part 6. Inclusion in the Code of Laws and Ordinances.**

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

160 **Part 7. Enforcement.**

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

164 **Part 8. Penalty.**

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

166 **Part 9. Effective Date.**

167 The provisions of this Ordinance shall become effective on May 1, 2026.

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

169 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2026.

170 ATTEST:  
171 MICHAEL CARUSO, CLERK  
172 OF THE CIRCUIT COURT  
173 & COMPTROLLER

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

174  
175

176 By: \_\_\_\_\_  
177 Deputy Clerk

By: \_\_\_\_\_  
Sarah Baxter, Mayor

178  
179

180 (SEAL)

181  
182 APPROVED AS TO FORM AND  
183 LEGAL SUFFICIENCY

184  
185  
186 By:  \_\_\_\_\_  
187 County Attorney

188  
189 Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2026.