



**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><i>[Signature]</i></u> 4/29/2025 OFMB QA 4/29</p>	<p><u><i>[Signature]</i></u> 4/30/26 Contract Development and Control</p>
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B. Legal Sufficiency:

*[Signature]* 4/30/26  
David C. Behar  
Assistant County Attorney

C. Other Department Review:

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

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

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**ORDINANCE NO 2026 -**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 8 OF THE PALM BEACH COUNTY CODE, THE PALM BEACH COUNTY COMMISSION ON ETHICS ORDINANCE, AS AMENDED ; AMENDING SECTION 2-260(a) (FILING OF COMPLAINTS); AMENDING SECTION 2-260(b) (LEGAL SUFFICIENCY OF COMPLAINTS); AMENDING SECTION 2-260(d) (PRELIMINARY INVESTIGATION AND PUBLIC HEARING); AMENDING SECTION 2-260(g) (PUBLIC RECORDS EXEMPTION); AMENDING SECTION 2-260.4 (FRIVOLOUS OR GROUNDLESS COMPLAINTS); 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.**

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

32       **WHEREAS**, the Palm Beach County Board of County Commissioners adopted the Palm  
33 Beach County Commission on Ethics Ordinance, Ordinance 2011-10 on May 17, 2011 and adopted  
34 amendments in Ordinance 2015-032 on September 22, 2015, Ordinance 2021-015 on June 15,  
35 2021, and Ordinance 2022-12 on May 17, 2022; and

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

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

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

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.

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

32       **WHEREAS**, the Palm Beach County Board of County Commissioners adopted the Palm  
33 Beach County Commission on Ethics Ordinance, Ordinance 2011-10 on May 17, 2011 and adopted  
34 amendments in Ordinance 2015-032 on September 22, 2015, Ordinance 2021-015 on June 15,  
35 2021, and Ordinance 2022-12 on May 17, 2022; and

36       **WHEREAS**, the Board of County Commissioners finds that the amendments set forth  
37 herein advances the purposes and intent of the Palm Beach County Charter amendments approved  
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39       **WHEREAS**, the Board of County Commissioners of Palm Beach County, pursuant to its  
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41 the Palm Beach County Charter, hereby amends the Palm Beach County Commission on Ethics  
42 Ordinance; and

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

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 office of inspector general, or the office of the state attorney may file a complaint with  
52           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 upon the personal knowledge of the complainant or on information other than  
59           hearsay; and

60   \*\*\*

61       (2) In order to be found legally sufficient, complaints filed by the office of inspector general,  
62           or the office of the state attorney must:

63   \*\*\*

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

67   \* \* \*

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

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

85 \*\*\*

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

100 \* \* \*

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

102 **Section 2-260.4 – Recovery of attorney’s fees and costs for frivolous or groundless**  
103 **complaints.**

- 104 (a) *Award of fees and costs.* The commission on ethics or hearing officer shall order the  
105 complainant to pay any attorney's fees and costs incurred by the commission on ethics  
106 and/or the respondent when it is determined that:
- 107 (b) The complaint was filed with malicious intent to injure the reputation of the respondent,  
108 and with knowledge that the complaint contained one or more false allegations; or
- 109 (c) The complaint was filed with reckless disregard as to whether it contained false allegations  
110 of fact material to a violation.
- 111 (d) *Filing of motion.*
- 112 a. A motion seeking attorney's fees and costs under this section may be filed by the  
113 respondent or initiated by the commission on ethics or hearing officer. Such motion  
114 shall be filed no later than thirty (30) calendar days after the issuance of the final  
115 order resolving the complaint.
- 116 b. A motion filed by a respondent under this section shall include:
- 117 (e) A statement of the legal and factual basis for the request;
- 118 (f) Identification of any portion of the complaint alleged to be frivolous, malicious, or  
119 groundless;
- 120 (g) A detailed accounting of the attorney's fees and costs incurred in responding to the  
121 complaint; and
- 122 (h) Supporting documentation or affidavits establishing bad faith, knowledge of false  
123 statement, or reckless disregard by the complainant.
- 124 a. The complainant shall have fourteen (14) calendar days from receipt of the motion  
125 to file a written response.
- 126 (i) *Hearing and determination.* The commission on ethics or hearing officer shall schedule a  
127 hearing on the motion within sixty (60) days of its filing and shall issue a written decision  
128 stating with particularity its reasoning within forty-five (45) calendar days of the hearing.  
129 If the commission on ethics or hearing officer awards attorney's fees and costs, the  
130 complainant shall pay such costs and fees within sixty (60) days of the date of the order.  
131 Failure to remit payment shall entitle the respondent to initiate a civil action in a court of  
132 competent jurisdiction to recover the costs and fees awarded by the commission.

133 **Part 3. Savings Clause.**

134 All complaints, investigations, advisory opinions, recommended orders, final orders,

135 requests for advisory opinions, hearing processes, and all other functions of the Palm Beach County  
136 Commission on Ethics, initiated or completed pursuant to Ordinances 2011-10, 2011-11, or  
137 2011-39, as may be amended, shall remain in full force and effect.

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

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

141 **Part 5. Severability.**

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

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

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

150 **Part 7. Enforcement.**

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

154 **Part 8. Penalty.**

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

156 **Part 9. Effective Date.**

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

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

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

160 ATTEST:  
161 MICHAEL CARUSO, CLERK  
162 OF THE CIRCUIT COURT  
163 & COMPTROLLER

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

164

165

166 By: \_\_\_\_\_  
167 Deputy Clerk

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

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169


170 (SEAL)

171

172 APPROVED AS TO FORM AND  
173 LEGAL SUFFICIENCY

174

175

176 By:   
177 County Attorney

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