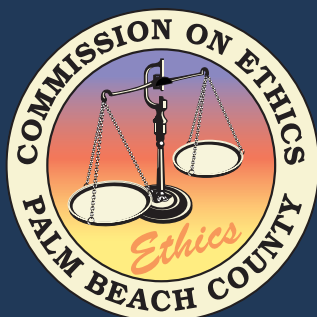




# **PALM BEACH COUNTY CODE OF ETHICS**



## **2014 Edition**

# Ethics Pocket Guide



for

Employees,  
Elected Officials  
and  
Advisory Board Members

Published by  
Commission on Ethics

Palm Beach County  
Effective date June 1, 2011

2014 Edition

## Introduction

This Guide provides a summary of the provisions of the Palm Beach County Code of Ethics for: 1) Employees, and 2) Elected Officials and Advisory Board Members. It also contains a complete copy of the Code of Ethics. The back cover contains contact information for the commission. A full professional staff is available to assist you with any questions you may have. Please visit our website for more information about the commission.

**[www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)**

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# Highlights of the Palm Beach County Code of Ethics Guide for Employees

## **I. PROHIBITED CONDUCT**

As public employees, you must carry out your duties fully, faithfully and ethically. Using your position for private benefit is a breach of the public trust. This law regulates the way you do your job. In addition to preventing the use of one's public office to obtain a special financial benefit, the code of ethics fosters transparency of relationships and transactions for those within government as well as those who do business with government.

The jurisdiction of the Commission on Ethics extends to county government, all municipalities within Palm Beach County, and all political subdivisions who have adopted the code of ethics by agreement.

### **A. Misuse of public employment**

You cannot use your position in any way when you know or should know with the exercise of reasonable care that it would result in a *special* FINANCIAL BENEFIT to:

1. You;
2. A household member, spouse or domestic partner or their outside business or employer;
3. Your relatives or their outside business or employer;
4. An outside employer or business of yours or your spouse or domestic partner or someone who you know works for that business;
5. A customer or client of your outside employer or business;
6. Someone who owes you, or who you owe, at least \$10,000, NOT including a loan you might have with a financial institution;

7. A non-profit organization where you or your spouse serve as an officer or director.

*What does FINANCIAL BENEFIT mean?*

Anything of value that can be obtained through the exercise of your job that is *not shared* with similarly situated members of the general public. Similarly situated means that everyone affected by a decision benefits in the same way.

If you know, or should know that your official actions will financially benefit you or any of the above persons, organizations or businesses that are connected to you differently than others in the same situation, such an action would constitute a misuse of your public employment.

For example: In the course of her normal duties, a municipal clerk who accepts a fee from her brother does nothing wrong so long as the fee is no different from the fee charged to a stranger for the same public service.

**B. Corrupt misuse of official position**

You cannot use your official position, property or resource within your trust, to CORRUPTLY secure a special benefit, privilege or exemption for any person.

*What does CORRUPTLY mean?*

An official act taken with wrongful intent *and* for the purpose of receiving *any* benefit, not just financial benefit, which is inconsistent with the proper performance of your public duties.

Example: you may not wrongfully use your public position to threaten a member of the public or a business owner, even if you would not financially benefit from making that threat.

**C. Contractual Relationships**

Sections A and B regulate the way you do your job as a public employee. This section controls contracts you might have in your private capacity that could conflict with your public duties. The general rule is that

you cannot enter into any contract or other transaction to provide goods or services to the public entity you serve (municipal, county, or taxing district). This includes any contract or transaction between your public employer and *you, your outside employer, or any business you may own* (minimum 5 percent of the business' assets). This section does not include;

- Your employment contract with your public employer;
- Any other contract you enter into as part of your official duties with your public employer;
- Any purchase of goods or services from your municipality/county available to the general public.

An **outside employer** includes any business that employs you for compensation and is not another government agency.

An **outside business** includes any business located in the county or which does business with or is regulated by your government employer where you own at least 5% of the business.

#### **D. Exceptions to the contractual relationships prohibition**

There are seven (7) additional exceptions to the contractual relationships provision.

1. Your outside employer is another government or government agency.
2. The contract is awarded under a system of sealed competitive bidding to the lowest bidder, and you, your relatives or members of your household; do not work in the department that will enforce, oversee or administer the contract, have not used or attempted to use any influence to obtain the contract, and you file a statement with the Supervisor of Elections and the Commission on Ethics prior to submitting the bid disclosing your interest.



3. An emergency purchase or contract in order to protect the health, safety, or welfare of the public.
4. Your outside employer or business is the only source of supply in your municipality/county and you fully disclose your interest to your public employer and the Commission on Ethics prior to the transaction.
5. The amount of the transaction is not, in total, more than \$500 per calendar year.
6. Part-Time Employment Exception: the contractual relationships prohibition does not apply to part-time outside employment provided that:
  - a. Your outside part-time employer does not have contracts or transactions that you or your department administer, oversee, or enforce; and
  - b. Your part-time employment will not impair or interfere with the performance of your public job; and
  - c. Neither you nor any of your relatives participated in awarding or determining the requirements of the contract; and
  - d. Your responsibilities at your part-time job do not require you to be involved with the contract between your part-time employer and your public employer in any way; and
  - e. You have complied with all merit rules regarding outside employment and receive permission from your immediate supervisor; and
  - f. You fill out a conflict of interest waiver form, available at the Commission on Ethics website, sign it under oath or affirmation,

and submit it to your supervisor and the chief administrative officer of your public employer for approval and forwarding to the Commission on Ethics.

7. These rules do not apply to outside employment where municipal police agencies administer overtime or extra duty uniformed external security. Your police department will monitor and record all details of this outside employment.

**E. Travel Expenses**

Unless waived by your governing body, as a public employee, you cannot accept payment or reimbursement of any travel expenses from any *contractor, vendor, service provider, bidder or proposer* doing business with your public employer.

1. Travel expenses include, but are not limited to, transportation, lodging, meals, registration fees and incidentals.
2. This prohibition does not extend to expenses reimbursed or paid directly by your government employer.
3. This prohibition does not extend to expenses reimbursed or paid by other governmental entities or by organizations of which your public employer is a member if your travel is related to that membership.
  - Example: The National Association of Counties or the League of Cities
4. Your governing body may waive this prohibition by majority vote.

**F. Contingent Fee Prohibition**

No person can offer, give or accept a contingency fee which is dependent on the passage or defeat or other decision by an elected or appointed body or an employee authorized to act on its behalf. This does

not apply to real estate brokers, attorneys representing clients in judicial proceedings or formal administrative hearings, and salespeople who are paid by commission as part of a compensation package which is ordinary and customary within the industry.

**Contingency Fee:** a fee, bonus, commission or non-monetary benefit as compensation dependant on an action or decision taken.

**G. Honesty in Applications for Positions**

No person applying for employment or seeking a contract with county or municipal governments may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with that employment or application.

**H. Disclosure or Use of Certain Information**

As a public employee, you cannot disclose or use information gained through your job, but not available to members of the public, for personal gain or benefit, or the personal gain or benefit of others.

**II. GIFT LAW DEFINITIONS:**

- A. **Gift** – Anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, or goods that you do not pay for. Food and beverage consumed at a single setting or a meal are considered a single gift. State statute and the Florida Administrative Code are used to establish the value of certain gifts.
- B. **Vendor** – A person or entity that sells goods or services, sells or leases real or personal property, or has a pending bid to sell or lease to your municipality/county government.
- C. **Lobbying** – To seek to influence a decision of government through oral or written communication or an attempt to obtain the good will of an employee or official of that government.

- D. **Lobbyist** – Someone who is paid to lobby on behalf of a principal. A lobbyist can be an outside contractor or an employee whose principal responsibility is lobbying government on behalf of their employer.
- E. **Know or should know** – If you know you have accepted a gift valued at more than \$100 from a vendor, lobbyist, principal or employer of a lobbyist doing business or lobbying your public employer, you may have violated the code of ethics. Similarly, if you have reason to believe that the person giving you a gift valued at more than \$100 is a vendor or a lobbyist, principal or employer of a lobbyist, you have an obligation to check before accepting the gift.
  - 1. Lobbyists are required to register with Palm Beach County and to identify their employers. You can access county lobbyist information at: [http://www.pbcgov.org/plrapplication.aspx/PLRSearchPublicView\\_New.aspx](http://www.pbcgov.org/plrapplication.aspx/PLRSearchPublicView_New.aspx)
  - 2. Palm Beach County has a vendor database. You can access county vendor information at: <http://pbcgov.com/registeredvendors/>.
  - 3. Your municipality may or may not have a list of lobbyists or vendors accessible to you. Currently, the Commission on Ethics is working to establish municipal lobbyist and vendor databases.

### III. GIFT LAW PROHIBITIONS

- A. You cannot ask for or accept a gift of *any value* in return for, or because of, the way you perform your duties as a public employee. This includes thank you gifts or tips for an official public action or legal duty performed, withheld or violated.
- B. You cannot solicit gifts of any value from someone you know is a vendor, lobbyist, principal or employer of a lobbyist doing business with your public employer if the gift is for your financial benefit, the benefit of your relative or household member or another employee.
- C. Over the course of the calendar year, you cannot accept or ask for gifts worth more

than \$100 in the aggregate from a person *who you know or should know* with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who sells or leases real or personal property, provides goods or services or lobbies your public employer.

- D. Over the course of the calendar year, a vendor, lobbyist, principal or employer of a lobbyist may not give gifts worth more than \$100 to a person he or she knows is an employee of the county or municipality doing business with the vendor or being lobbied. The definition of vendor extends to any person or entity that, due to the nature of their business, may respond to a published invitation to bid or other procurement opportunities.

**E. Gift Law Reporting**

1. *Employees who are reporting individuals under state law.* You will continue to file quarterly reports with the state, and send a copy of that report to the Palm Beach County Commission on Ethics. You do not have to fill out an additional annual report.
2. *All other employees.* Beginning November 1, 2011, employees who receive any gift worth more than \$100 must file an annual gift disclosure report with the Palm Beach County Commission on Ethics no later than November 1<sup>st</sup> for the period ending September 30<sup>th</sup> of each year. If you do not receive a gift worth more than \$100 you do not have to file an annual gift disclosure report. (Keep in mind that you may not accept a gift greater than \$100 from a vendor, lobbyist, principal or employer of a lobbyist.) The gift form is available on our website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) and requires the following information:
  - a. Date received; and
  - b. Description of gift; and
  - c. Value of gift; and
  - d. Name and address of the person giving the gift.

3. The following are exceptions to the county gift law reporting requirements (you do not have to report these gifts):
- a. Political contributions specifically authorized by state or federal law;
  - b. Gifts from relatives or members of one's household;
  - c. Personal gifts over \$100 so long as the gift is *NOT from a vendor, lobbyist, or principal or employer of a lobbyist* and the circumstances demonstrate that the gift was motivated by a personal or social relationship, not an attempt to influence the performance of your official duties.
  - d. Awards for professional or civic achievement
  - e. Materials such as books, reports, periodicals, or pamphlets which are solely informational or of an advertising nature;
  - f. Gifts solicited by public employees on behalf of their government for a public purpose;
  - g. Inheritance or other devise;
  - h. Registration fees and other costs associated with educational or governmental conferences as long as your attendance is for a government purpose and is related to your duties and responsibilities as an employee.
  - i. A ticket, pass or admission in connection with public events, appearances or ceremonies related to official county or municipal business, if furnished by a nonprofit sponsor organization of such public event, or if furnished pursuant to a contract between the event's non-profit sponsor and the county or municipality as applicable, provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not

otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or admission must be disclosed in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2);

4. The following gifts *must be reported* but may be accepted according to the following provisions:
  - a. You may accept a ticket, pass or admission to public events, appearances or ceremonies that are related to county or municipal business from a non-profit sponsor that does not employ lobbyists. If the value exceeds \$100, you may only accept the ticket, pass or admission from a representative who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist who transacts business with or lobbies your public employer.
  - b. You may accept a ticket, pass or admission from a sponsor organization if tickets are part of the sponsor organizations contract with the county or municipality. Again, you may only accept the ticket from a representative who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist who transacts business with or lobbies your public employer.
  - c. You may accept expenditures made and value received in connection with events sponsored by non-profit organizations that receive public funds for attracting business or tourism to the county or your municipality, so long as that organization does not employ a lobbyist. You must be invited by a representative of the organization and that representative may

not be a vendor, lobbyist or principal or employer of a lobbyist who transacts business with or lobbies your public employer.

**F. Solicitations of Contributions on Behalf of a Non-Profit Charitable Organization**

While you may never solicit a gift for an organization in exchange for the performance of your official duties as a public employee, you may solicit funds on behalf of non-profit organizations (charities) from anyone so long as they do not have a pending application or award of any nature before your public employer. You may not use county or municipal staff or resources to solicit contributions. Any solicitation must be disclosed on a form available at the Palm Beach County Commission website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) and must contain the following information:

1. Name of the non-profit organization; and
2. The name of any person or entity that was contacted; and
3. The amount of funds solicited and pledged.

This form must be filed within 30 days after the event or if it is not related to an event then within 30 days from the date of the solicitation.

**IV. NEPOTISM**

Employees who are authorized to appoint, employ, promote, or advance fellow employees in your agency may not do so if that fellow employee is a relative or domestic partner.

**V. NONINTERFERENCE WITH COMMISSION ON ETHICS AND INSPECTOR GENERAL**

- A. Public employees shall not retaliate against, punish, threaten, harass, or penalize anyone for communicating, cooperating with, or assisting the Commission on Ethics or the Inspector General.
- B. Public employees shall not interfere with, obstruct or attempt to interfere with or obstruct any investigation conducted by the



Commission on Ethics or the Inspector General unless they have a valid legal basis.

## **VI. PALM BEACH COUNTY COMMISSION ON ETHICS**

### **A. The Commission on Ethics**

The Commission on Ethics is an independent body that will interpret and enforce the Code of Ethics, provide advisory opinions to all Public employees upon request, and provide for an ongoing public employee training program. If you are in doubt as to the applicability or interpretation of any provision within the code of ethics in a particular context, you may submit the facts of the situation in writing to the Commission on Ethics with a request for an opinion as to the standard of public duty, if any.

### **B. The Commission on Ethics will hear cases involving violations of the Code of Ethics**

1. A violation of the Code of Ethics subjects an employee to public reprimand, a fine of up to \$500 and restitution for any pecuniary gain by the violator or any third party received as a result of a violation of the ethics code. In addition, the county or municipality may dismiss the employee. Any contracts, permits, or any other government approvals gained as a result of a violation may be rescinded or declared void by the appropriate Board, Counsel or Commission of your public employer.
2. The Commission on Ethics may refer willful violations of the Code of Ethics to the State Attorney to be prosecuted as a first degree misdemeanor, punishable up to one year in the Palm Beach County Jail, \$1000 fine, or both.

Provisions that may subject you to prosecution are:

- (a) Misuse of public position; and
- (b) Entering into prohibited contractual relationships; and

- (c) Prohibition on accepting payment for travel expenses; and
- (d) Using false information in employment applications; and
- (e) Accepting or soliciting gifts that are prohibited by the Code of Ethics; and
- (f) Interfering with investigations of the Commission on Ethics or the Inspector General.

## **VII. Advisory Opinions**

Public employees may seek guidance from the Commission on Ethics as to whether a particular course of action or series of facts would violate the code of ethics. Employees may submit all pertinent facts and circumstances in writing to the Commission on Ethics, The Historic 1916 Palm Beach County Courthouse, 300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401. or by e-mail to: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com).

## **VIII. Other Rules, Codes and Statutes**

As a public employee, you are required to adhere to State Statute as well as the Palm Beach County Code of Ethics. There may be additional municipal codes that govern your behavior as an employee of that municipality. In addition, you may be subject to various county, municipal and departmental policies and procedures that may be more stringent than the requirements of the county ethics code. It is your responsibility to adhere to the appropriate rules and codes adopted by your public employer. In any conflict whereby a local code or policy is less stringent than the county code of ethics, you are required to obey the county code.

## **IX. Revisions to the Code of Ethics**

The Code of Ethics may be revised periodically by a Drafting Committee as provided by the 2010 county-wide referendum. Please refer to our website, [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com), for any changes or updates to this edition of the Palm Beach County Code of Ethics Guide for Employees.

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Highlights of the

# Palm Beach County Code of Ethics Guide for Elected Officials and Advisory Board Members

## **I. PROHIBITED CONDUCT**

As elected public officials or appointees to quasi-judicial or advisory boards, you must carry out your duties fully, faithfully and ethically. Using your position for private benefit is a breach of the public trust. In addition to preventing the use of one's public office to obtain a special financial benefit, the code of ethics fosters transparency of relationships and transactions for those within government as well as those who do business with government.

The jurisdiction of the Commission on Ethics extends to county government, all municipalities within Palm Beach County, and all political subdivisions who have adopted the code of ethics by agreement.

### **A. Misuse of public employment**

You cannot use your position in any way when you know or should know with the exercise of reasonable care that it would result in a *special* FINANCIAL BENEFIT to:

1. You;
2. A household member, spouse or domestic partner or their outside business or employer;
3. Your relatives or their outside business or employer;
4. An outside employer or business of yours or your spouse or domestic part-

- ner or someone who you know works for that business;
5. A customer or client of your outside employer or business;
  6. Someone who owes you, or who you owe, at least \$10,000, NOT including a loan you might have with a financial institution;
  7. A non-profit organization where you or your spouse serve as an officer or director.

If you know, or should know that your official actions will financially benefit you or any of the above persons, organizations or businesses that are connected to you differently than others in the same situation, such an action would constitute a misuse of your public office or employment. If the official action in question *is a vote you would cast as a member of your board*, you can avoid this Code violation by disclosing the nature of the conflict and abstaining as explained in paragraph C below.

*What does FINANCIAL BENEFIT mean?*

Anything of value that can be obtained through the exercise of your position that is *not shared* with similarly situated members of the general public. Similarly situated means that everyone affected by a decision benefits in the same way.

Example: In the course of her normal duties, a municipal clerk who accepts a fee from her brother does nothing wrong so long as the fee is no different from the fee charged to a stranger for the same public service.

*What does REASONABLE CARE mean?*

That degree of care, which a person of ordinary prudence would exercise in the same or similar circumstances.

## **B. Corrupt misuse of official position**

You cannot use your official position, property or resource within your trust, to CORRUPTLY secure a special benefit, privilege or exemption for *any* person.

*What does CORRUPTLY mean?*

An official act taken with wrongful intent *and* for the purpose of receiving *any* benefit, not just financial benefit, which is inconsistent with the proper performance of your public duties.

Example: you may not wrongfully use your public position to threaten a member of the public or a business owner, even if you would not financially benefit from making that threat.

### **C. Disclosure of Voting Conflicts**

You must abstain from voting on and not participate in any matter before your board, council or commission that will result in a *special* FINANCIAL BENEFIT to you or those persons or entities described in the misuse of official position section. In order to comply with the code, you will need to comply with the following procedure:

1. Publicly disclose the nature of the conflict before your board discusses the issue; and
2. Abstain when the vote takes place and do not personally participate in the matter; and
3. File a state voting conflict form (8B) with the clerk of your board, council or commission as required by state law and provide a copy to the Palm Beach County Commission on Ethics. (Form 8B is available on our website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com))

### **D. Contractual Relationships**

Sections A, B and C regulate the way you perform your duties as an Official. This section controls contracts you might have in your private capacity that could conflict with your public duties. The general rule is that you cannot enter into any contract or other

transaction with the public entity you serve (municipal, county, or taxing district). This includes any contract or transaction between the government you serve and *you, your outside employer, or any business you may own* (minimum 5 percent of the business' assets). This section does not include;

- Any purchase of goods or services from your municipality/county available to the general public.

An **outside employer** includes any business that employs you for compensation and is not another government agency.

An **outside business** includes any business located in the county or which does business with or is regulated by your government employer where you own at least 5% of the business.

#### **E. Exceptions to the contractual relationships prohibition**

There are seven (7) additional exceptions to the contractual relationships provision.

1. Your outside employer is another government or government agency.
2. If you are an advisory board member, and your board does not regulate, oversee, manage or provide policy recommendations regarding the contract, the prohibition does not apply, but you are required to disclose the nature of the contract and your interest in it. Contact the staff person in charge of your board for details on how to properly disclose.
3. If you are a member of a board that is purely advisory, and your board provides regulation, oversight, management, or policy-setting recommendations regarding the contract, you may still serve and maintain your contract

but you must apply for a waiver. Waivers are available for purely advisory board members only; elected officials cannot apply for a waiver.

- Your board must be purely advisory; that means it does not make decisions.
  - You must publicly disclose your interest in the contract.
  - You must request a waiver from your local governing body and it must be approved by a majority plus one of its members.<sup>1</sup>
  - If you are a member of a decision-making board, and your board provides regulation, oversight, management, or policy setting recommendations regarding the contract, no waiver is permitted and you may not serve on that advisory board or commission.
4. The contract is awarded under a system of sealed competitive bidding to the lowest bidder, and you, your relatives or member of your household; do not work in the department that will enforce, oversee or administer the contract, have not used or attempted to use any influence to obtain the contract and you file a statement with the Supervisor of Elections and the Commission on Ethics prior to submitting the bid disclosing your interest.
  5. An emergency purchase or contract in order to protect the health, safety, or welfare of the public.
  6. Your outside employer or business is the only source of supply in your municipality/ county and you fully disclose your interest to your public employer and the Commission on Ethics prior to the transaction.

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<sup>1</sup> If you are appointed to an advisory board by an individual rather than a commission or council, a waiver is still available; apply for a waiver from the person who appointed you. The waiver must take place at a public hearing after full disclosure of your interest in the contract.



7. The total amount of the transaction is not, in total, more than \$500 per calendar year.

**F. Travel Expenses**

Unless waived by your governing body, as an elected official or advisory board member, you cannot accept payment or reimbursement of any travel expenses from any contractor, vendor, service provider, bidder or proposer doing business with your public employer.

1. Travel expenses include, but are not limited to, transportation, lodging, meals, registration fees and incidentals.
2. This prohibition does not extend to expenses reimbursed or paid directly by your government.
3. This prohibition does not extend to expenses reimbursed or paid by other governmental entities or by organizations of which your government is a member if your travel is related to that membership.
  - Example: The National Association of Counties or the League of Cities.
4. Your governing body may waive this prohibition at a public meeting by majority vote.

**G. Contingent Fee Prohibition**

No person can offer, give or accept a contingency fee which is dependent on the passage, defeat or other decision by an elected body, an employee authorized to act on behalf of the elected body, or an advisory board or committee. This does not apply to real estate brokers, attorneys representing clients in judicial proceedings or formal administrative hearings, and salespeople who are paid by commission as part of a compensation package which is ordinary and customary within the industry.

**Contingency Fee:** a fee, bonus, commission or non-monetary benefit as compensation dependant on an action or decision taken.

**H. Honestly in Applications for Positions**

No person applying for employment, appointment to an advisory board or seeking a contract with the county or a municipal government may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with that employment or application.

**I. Disclosure or Use of Certain Information**

As an elected official or advisory board member, you cannot disclose or use information gained through your position, but not available to members of the public, for personal gain or benefit, or the personal gain or benefit of others.

**II. GIFT LAW DEFINITIONS**

- A. **Gift** – Anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, or goods that you do not pay for. Food and beverage consumed at a single setting or a meal are considered a single gift. State statute and the Florida Administrative Code are used to establish the value of certain gifts.
- B. **Vendor** – A person or entity that sells goods or services, sells or leases real or personal property, or has a pending bid to sell or lease to your municipality/county government.
- C. **Lobbying** – To seek to influence a decision of government through oral or written communication or an attempt to obtain the good will of an employee or official of that government.
- D. **Lobbyist** – Someone who is paid to lobby on behalf of a principal. A lobbyist can be an outside contractor or an employee whose principal responsibility is lobbying government on behalf of their employer.
- E. **Know or should know** – If you know you have accepted a gift valued at more than \$100 from a vendor, lobbyist, principal or employer of a lobbyist doing business or lobbying your government (advisory board or department under your board's authority), you may have violated the code of

ethics. Similarly, if you have reason to believe that the person giving you a gift valued at more than \$100 is a vendor or a lobbyist, principal or employer of a lobbyist, you have an obligation to check before accepting the gift.

1. Lobbyists are required to register with Palm Beach County and to identify their employers. You can access county lobbyist information at: [http://www.pbcgov.org/plrapplication.aspx/PLRSearchPublicView\\_New.aspx](http://www.pbcgov.org/plrapplication.aspx/PLRSearchPublicView_New.aspx)
2. Palm Beach County has a vendor database. You can access county vendor information at: <http://pbcgov.com/registeredvendors/>.
3. Your municipality may or may not have a list of lobbyists or vendors accessible to you. Currently, the Commission on Ethics is working to establish municipal lobbyist and vendor databases.

### **III. GIFT LAW PROHIBITIONS**

- A. You cannot ask for or accept a gift of *any value* in return for, or because of, the way you perform your duties as an elected official or advisory board member. This includes thank you gifts or tips for an official public action or legal duty performed, withheld or violated.
- B. As an elected official, you cannot solicit gifts of any value from someone you know is a vendor, lobbyist, or principal or employer of a lobbyist doing business with your government if the gift is for your financial benefit, the benefit of your relative or household member or another public official or employee. (For advisory board members, this prohibition extends *only* to those doing business with, or lobbying, your board or the county or municipal department under your board's authority.)
- C. Over the course of the calendar year, you cannot accept or ask for gifts worth more than \$100 in the aggregate from a person *who you know or should know with the exercise of reasonable care*, is a vendor, lobbyist, or any principal or employer of a

lobbyist who sells or leases real or personal property, provides goods or services or lobbies the government you serve. (For advisory board members, this prohibition extends *only* to those doing business with, or lobbying, your board or the county or municipal department under your board's authority.)

- D.** Over the course of the calendar year, a vendor, lobbyist, principal or employer of a lobbyist may not give gifts worth more than \$100 to a person he or she knows is an elected official or advisory board member of the county or municipality doing business with the vendor or being lobbied. (For advisory board members, this prohibition extends *only* to those doing business with, or lobbying, your board or the county or municipal department under your board's authority.) The definition of vendor extends to any person or entity that, due to the nature of their business, may respond to a published invitation to bid or other procurement opportunities.

**E. Gift Law Reporting**

1. *Elected officials and advisory board members who are reporting individuals under state law.* You will continue to file quarterly reports with the state, and send a copy of that report to the Palm Beach County Commission on Ethics. You do not have to fill out an additional annual report.
2. *All other advisory board members:* If you receive any non exempt gift worth more than \$100 (single gift, not aggregate), you must file an annual gift disclosure report with the Palm Beach County Commission on Ethics no later than November 1<sup>st</sup> for the period ending September 30<sup>th</sup> of each year. If you do not receive a gift worth more than \$100 you do not have to file an annual gift disclosure report (keep in mind that you may not accept a gift greater than \$100 from a vendor, lobbyist, principal or employer of a lobbyist doing business with your board

or department). The gift form is available on our website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) and requires the following information:

- a. Date received; and
  - b. Description of gift; and
  - c. Value of gift; and
  - d. Name and address of the person giving the gift.
3. The following are exceptions to the *county* gift law reporting requirements (you do not have to report these gifts).
- a. Political contributions specifically authorized by state or federal law;
  - b. Gifts from relatives or members of one's household;
  - c. Personal gifts over \$100 so long as the gift is *NOT from a vendor, lobbyist, or principal or employer of a lobbyist* and the circumstances demonstrate that the gift was motivated by a personal or social relationship, not an attempt to influence the performance of your official duties.;
  - d. Awards for professional or civic achievement ;
  - e. Materials such as books, reports, periodicals, or pamphlets which are solely informational or of an advertising nature;
  - f. Gifts solicited by public officials on behalf of their government for a public purpose;
  - g. Inheritance or other devise; or
  - h. Registration fees and other costs associated with educational or governmental conferences as long as your attendance is for a government purpose and is related to your duties and responsibilities as an employee.
4. The following gifts *must be reported* but may be accepted according to the following provisions:
- a. You may accept a ticket, pass or admission to public events, appearances or ceremonies that are related to county or municipal

business from a non-profit sponsor that does not employ lobbyists. If the value exceeds \$100, you may only accept the ticket, pass or admission from a representative who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist who transacts business with or lobbies your public employer.

- b. You may accept a ticket, pass or admission from a sponsor organization if tickets are part of the sponsor organizations contract with the county or municipality. Again, you may only accept the ticket from a representative who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist who transacts business with or lobbies your public employer.
- c. You may accept expenditures made and value received in connection with events sponsored by non-profit organizations that receive public funds for attracting business or tourism to the county or your municipality, so long as that organization does not employ a lobbyist. You must be invited by a representative of the organization and that representative may not be a vendor, lobbyist or principal or employer of a lobbyist who transacts business with or lobbies your public employer.

**F. Solicitations of Contributions on Behalf of a Non-Profit Charitable Organization**

While you may never solicit a gift for an organization in exchange for the performance of your official duties as an elected official or advisory board member, you may solicit funds on behalf of non-profit organizations (charities) from anyone so long as they do not have a pending application or award of any nature before your government. You may not use county or

municipal staff or resources to solicit contributions. Any solicitation must be disclosed on a form available at the Palm Beach County Commission website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) and must contain the following information:

1. Name of the non-profit organization; and
2. The name of any person or entity that was contacted; and
3. The amount of funds solicited or pledged if known.

This form must be filed within 30 days after the event or if it is not related to an event then within 30 days from the date of the solicitation.

#### **IV. Nepotism**

As an elected official you may not appoint, employ, promote, advance or advocate for any of these things on behalf of your relatives or your domestic partner. Moreover, if you have advocated on behalf of your relative or domestic partner, as defined within this section, they may not accept any benefit of that advocacy. The anti-nepotism provision applies to all appointments with the following exceptions:

- A. Appointments to advisory boards in municipalities with a population under 35,000, except for land-planning and zoning boards; appointment to land-planning and zoning boards are always subject to the anti-nepotism provision.
- B. Any person who volunteers to provide emergency medical, firefighting or police services.

#### **V. NONINTERFERENCE WITH COMMISSION ON ETHICS AND INSPECTOR GENERAL**

- A. Elected officials and advisory board members shall not retaliate against, punish, threaten, harass, or penalize anyone for communicating, cooperating with, or assisting the Commission on Ethics or the Inspector General.
- B. Elected officials and advisory board members shall not interfere with, obstruct or

attempt to interfere with or obstruct any investigation conducted by the Commission on Ethics or the Inspector General unless they have a valid legal basis.

## **VI. PALM BEACH COUNTY COMMISSION ON ETHICS**

### **A. The Commission on Ethics**

The Commission on Ethics is an independent body that will interpret and enforce the Code of Ethics, provide advisory opinions to all elected officials and advisory board members upon request, and provide for an ongoing public employee training program. If you are in doubt as to the applicability or interpretation of any provision within the code of ethics in a particular context, you may submit the facts of the situation in writing to the Commission on Ethics with a request for an opinion.

### **B. The Commission on Ethics will hear cases involving violations of the Code of Ethics**

1. A violation of the Code of Ethics subjects a public official or advisory board member to public reprimand, a fine of up to \$500 and restitution for any pecuniary gain by the violator or any third party received as a result of a violation of the ethics code. Any contracts, permits, or any other government approvals gained as a result of a violation may be rescinded or declared void by the appropriate Board, Counsel or Commission of your government.
2. The Commission on Ethics may refer willful violations of the Code of Ethics to the State Attorney to be prosecuted as a first degree misdemeanor, punishable up to one year in the Palm Beach County Jail, \$1000 fine, or both.



Provisions that may subject you to prosecution are:

Misuse of public position; and

- (a) Voting conflicts; and
- (b) Entering into prohibited contractual relationships; and
- (c) Prohibition on accepting payment for travel expenses; and
- (d) Using false information in employment applications; and
- (e) Accepting or soliciting gifts that are prohibited by the Code of Ethics; and
- (f) Interfering with investigations of the Commission on Ethics or the Inspector General

## **VII. Advisory Opinions**

Elected officials and advisory board members may seek guidance from the Commission on Ethics as to whether a particular course of action or series of facts would violate the code of ethics. Employees may submit all pertinent facts and circumstances in writing to the Commission on Ethics, The Historic 1916 Palm Beach County Courthouse, 300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401. or by e-mail to:  
[ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com).

## **VIII. Other Rules, Codes and Statutes**

As an elected official or advisory board member, you are required to adhere to state statutes as well as the Palm Beach County Code of Ethics. There may be additional municipal codes that govern your behavior as an official of that municipality. In addition, you may be subject to various county, municipal and departmental policies and procedures that may be more stringent than the requirements of the county ethics code. It is your responsibility to adhere to the appropriate rules and codes adopted by your county

or municipal government. In any conflict whereby a local code or policy is less stringent than the county code of ethics, you are required to obey the county code.

**IX. Revisions to the Code of Ethics**

The Code of Ethics may be revised periodically by a Drafting Committee as provided by the 2010 county-wide referendum. Please refer to our website, [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com), for any changes or updates to this edition of the Palm Beach County Code of Ethics Guide for Elected Officials and Advisory Board Members.

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# CODE OF ETHICS

(Effective date June 1, 2011)

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

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

Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.

Nothing herein shall abridge employees' constitutional right to collective bargaining.

## **Sec. 2-442. Definitions.**

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

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

*Customer or client* means any person or entity to

which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

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

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

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

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

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

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

- (1) any employee, contract employee, or independent contractor of a governmental agency or en-

tity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.

- (2) any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.
- (3) any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
- (4) any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
- (5) any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc., lobbying on behalf of that entity.

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

***Outside employer or business*** includes:

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

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

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

***Relative*** unless otherwise specified in this ordinance, means an individual who is related to an official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great

grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the official or employee or who otherwise holds himself or herself out as or is generally known as the person whom the official or employee intends to marry or with whom the official or employee intends to form a household, or any other natural person having the same legal residence as the official or employee.

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

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

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

- (a) **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a 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, for any of the following persons or entities:
- (1) Himself or herself;
  - (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
  - (3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;



- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
  - (5) A customer or client of the official or employee's outside employer or business;
  - (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner-- "substantial" for these purposes shall mean at least ten thousand dollars (\$10,000) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;
  - (7) A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.
- (b) ***Corrupt misuse of official position.*** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" 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 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).

- (d) ***Contractual relationships.*** No official or employee shall enter into any contract or other transaction for goods or services with their respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed public meeting of the governing body and the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.
- (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 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 household 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 household 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
  - c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.
- (2) An emergency purchase or contract which would otherwise violate a provision of subsection (d) must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.
- (3) The outside employer or business involved

is the only source of supply within the county or municipality as applicable 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.

- (4) The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars (\$500) per calendar year.
- (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 does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and
  - b. The outside employment would not interfere with or otherwise impair his or her independence of judgment or otherwise interfere with the full and faithful performance of his or her public duties to the county or municipality as applicable; and
  - c. the employee or relative of the employee has not participated in determining the subject contract requirements or awarding the contract; and
  - d. the employee's job responsibilities and job description will not require him or her to be involved in the outside employer's contract in any way including, but limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance; and
  - e. the employee demonstrates compliance with applicable merit rules regarding outside employment and ob-

- tains written permission from his or her supervisor; and
- f. The employee has obtained a conflict of interest waiver from the chief administrative officer and the employee's department head of the county or municipality 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 (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 supervisor and chief administrative officer of the county or municipality. 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 overtime or extra duty details. 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, contracted or administered by the police 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 policy agency, records of which shall be accessible to the public subject to state public records disclosure exemptions.

- (f) *Accepting travel expenses.* No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The board of county commissioners or local municipal governing body as applicable may waive the requirements of this subsection by a majority vote of the board or local municipal governing body. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county or municipality as applicable is a member if the travel is related to that membership.
- (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 §§475.001-475.5018, Florida Statutes, 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.

- (h) *Honesty in applications for positions.* No person seeking to become an official or employee, or seeking to enter into a contract 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.
- (i) *Disclosure or use of certain information.* A current or former official or employee shall not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person.

**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 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.
- (2) No lobbyist, vendor 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) 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.

- (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) 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.
- (2) No lobbyist, vendor, or principal or employer of a lobbyist who lobbies an advisory board or any county or municipal department that is subject in any way to the advisory board's authority, influence or advice, shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is a member of that advisory board. For the purposes of this subsection 2-444 (b)(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.
- (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 is a vendor, lobbyist or any principal or employer of a lobbyist 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 is a 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, where the gift is for the personal benefit of the advisory board member, another advisory board member, or an official, or any relative or household member of the official or employee.

- (d) For purposes of this section, a principal or employer of a lobbyist shall include any officer, partner or director of the principal entity, or any employee of a principal who is not an officer, partner or director, provided that the employee knows or should know with the exercise of reasonable care that the principal employs a lobbyist.
- (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
  - (1) An official public action taken or to be taken, or which could be taken;
  - (2) A legal duty performed or to be performed or which could be performed; or
  - (3) A legal duty violated or to be violated, or which could be violated by any 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 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. A copy of each report shall be filed with the county commission on ethics.
  - (2) *All other officials and employees who are not reporting individuals under state law.*
    - a. *Personal Gifts.* All officials and employees who are not reporting individuals under state law are not re-

quired to report gifts in excess of one hundred dollars (\$100) so long as those gifts are given to the official or employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the county or municipality as applicable, then the official or employee shall not accept a gift in excess of \$100 in accordance with subsections (a)(1) and (b)(1).

- 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. 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.

- (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, section 112.3148, Florida Statutes and the Florida Administrative Code as may be amended.

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

- a. Political contributions specifically authorized by state or federal law;
- b. Gifts from relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;
- c. Awards for professional or civic achievement;
- d. Materials such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- e. Gifts solicited or accepted by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties for use solely by the county or municipality for a public purpose;
- f. Publicly advertised offers for goods or services from a vendor under the same terms and conditions as are offered or

- made available to the general public;
- g. Inheritance or other devise;
  - h. Registration fees and other related costs associated with educational or governmental conferences or seminars and travel expenses either properly waived or inapplicable pursuant to section 2-443(f), provided that attendance is for governmental purposes, and attendance is related to their duties and responsibilities as an official or employee of the county or municipality;
  - i. A ticket, pass or admission in connection with public events, appearances or ceremonies related to official county or municipal business, if furnished by a nonprofit sponsor organization of such public event, or if furnished pursuant to a contract between the event's non-profit sponsor and the county or municipality as applicable, provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or admission must be disclosed in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2);
  - j. Expenditures made in connection with an event sponsored by a nonprofit organization funded in whole or in part with public funds whose primary function is to encourage and attract tourism or other business opportunities for the benefit of Palm Beach County or the municipalities as applicable, provided the sponsor organization does not employ a lobbyist, and further provided that the invitation to the event is made by a representative of the sponsor organization and the representative is not otherwise a vendor, lobbyist, principal or employer of a

lobbyist. Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2).

- (h) Solicitation of Contributions on Behalf of a Non-Profit Charitable Organization.
  - (1) Notwithstanding the prohibition on gifts as outlined in subsection 2-444(a) and (b), the solicitation of funds by a county or municipal official or employee for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. The solicitation by an official or employee as contemplated herein, is expressly prohibited if made to any person or entity with a pending application for approval or award of any nature before the county or municipality as applicable.
  - (2) To promote the full and complete transparency of any such solicitation, officials and employees shall disclose, on a form provided by the Commission on Ethics, the name of the charitable organization, the event for which the funds were solicited, the name of any person or entity that was contacted regarding a solicitation or pledge by the official or employee, and the amount of the funds solicited or pledged if known. The form shall be completed legibly and shall be filed with the Commission on Ethics. The form shall be filed within 30 days from the occurrence of the event for which the solicitation was made, or if no event, within 30 days from the occurrence of the solicitation.
  - (3) Officials and employees may not use county or municipal staff or other county or municipal resources in the solicitation of charitable contributions described in this subsection.

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

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

- (1) For the purposes of this section, " official" means any official or employee in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the county or municipality as applicable.
- (2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

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

- (a) Officials and employees, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The county administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees which shall include mandatory periodic follow-up sessions. This policy may also address ethics training for entities that receive county or municipal funds as applicable.
- (b) The commission on ethics shall develop and deliver, or contract with other entities to develop and deliver, training programs. The commission on ethics shall coordinate and cooperate with all affected county or municipal entities, departments, agencies, boards, councils and commissions to ensure that effective and meaningful training experiences are delivered in a timely and efficient manner.

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

It shall be a violation of this article for any person:

- (a) to retaliate against, punish, threaten, harass, or penalize any person for communicating, cooperating with, or assisting the commission on ethics or the inspector general; or
- (b) to interfere, obstruct or attempt to interfere or obstruct without valid legal basis any investigation conducted by the commission on ethics or the inspector general.

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

- (a) The commission on ethics shall be empowered to review, interpret, render advisory opinions, and enforce this code of ethics pursuant to the procedures established in the county commission on ethics ordinance. Jurisdiction of the commission on ethics with respect to advisory opinions rendered shall extend to all county and municipal officials and employees, and all other persons and entities required to comply with the provisions of this code and the county lobbyist registration ordinance, including but

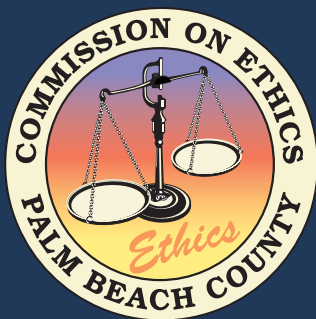
not limited to lobbyists, their employers and principals, and contractors and vendors.

- (b) A finding by the commission on ethics of a violation of any part of this article shall subject the person or entity to public reprimand, a fine of up to five hundred dollars (\$500), or both. The commission on ethics may also order the person or entity to pay restitution when the person or entity or a third party has received a pecuniary benefit as a result of the person's violation.
- (c) Upon a finding of the commission on ethics that a violation of this article or the lobbyist registration ordinance resulted in a contract, grant, subsidy, license, permit, 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. 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 be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed one (1) year, or both.



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