

Annual Report 2022



Honesty - Integrity - Character

January 2023

As I reflect on the year 2022, I am extremely proud and grateful for the many collective achievements the Palm Beach County Commission on Ethics (COE) has accomplished. This annual report highlights the remarkable work that has taken place over the past year, and we take great satisfaction in knowing that we will continue to develop and become more effective in all that we do.

Our achievements would not have been possible without the COE commissioners and staff and county and municipal leaders and employees, who all worked diligently to support our mission and activities, specifically in the areas of education and public service, as well as the implementation of new initiatives to provide process improvements for our department. Our strategy and focus on providing outstanding service that our customers and community value stand on our foundation of business transformation, operational excellence, and community engagement.

This past year, we began a strategic review of the COE, and our plan focuses on continuing to provide exceptional service delivery, maintaining and motivating a highly skilled and agile work team, overhauling and improving the COE website, enhancing our comprehensive education program, and working on expanding our organization and community connections. We integrated our priorities into five goals with specific objectives and respective action plans, and we will routinely monitor our progress. Our strategic plan, including our goals, objectives, and achievements, is documented in this report.

We all look forward to the challenges and accomplishments in the coming new year as we enthusiastically continue to fulfill our mission of fostering integrity in public service and increasing public trust in local government by providing education and training programs, community outreach, clear and timely legal advice, and exceptional public service to officials, employees, and citizens of Palm Beach County.

I want to thank the COE commissioners for both giving me this opportunity and for their helpful guidance as I continue to settle into my new position. I also want to thank our community for their support and trust in our work. We are committed to serving you every day through our mission, vision, and values.

Kind regards,

A handwritten signature in blue ink, appearing to read 'CK', with a long horizontal line extending to the right.

Christie E. Kelley
Executive Director



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Executive Summary

Last year, we laid the groundwork for our department's future and the desired level of service delivery we want for our customers with the creation of our 2022-2027 Strategic Plan. Using our new plan as a guide and focus, we created a five-year road map to deliver on identified goals and initiatives for the Commission on Ethics. We also reaffirmed our desire and ability to successfully meet our mission and grow in our vision to deliver exceptional programs and services to our community. Furthermore, we established the continuous benchmarking framework needed for tracking and accomplishing our ambitious plans. Our 2022 Annual Report highlights our work over the past year and the many successes we have achieved and will continue to achieve in the coming years.

Commission on Ethics

The Commission on Ethics (COE) serves to foster integrity in public service, promote the public's trust and confidence in that service and prevent conflicts between private interests and public duties. This mission remains of utmost importance to those who live and work in Palm Beach County, and the COE serves as an independent watchdog agency tasked with safeguarding these high ethical standards.

The Commission on Ethics is empowered to review, interpret, render advisory opinions, and enforce the Palm Beach County Code of Ethics enacted in 2011 to provide additional and more stringent ethics standards, as authorized by Florida Statutes, §112.326.

The Code of Ethics emphasizes and reminds government officials and employees to be mindful that public service is a public trust, intended to be impartial, and devoted to the best interest of the people of Palm Beach County; and officials and employees shall act and conduct themselves so as not to give the appearance of distrust of their impartiality.

COE jurisdiction extends to all county and municipal officials and employees, and all other persons and entities required to comply with the provisions of the Code of Ethics, Palm Beach County Lobbyist Registration Ordinance, or the Palm Beach County Post-Employment Ordinance. The COE also has limited jurisdiction over all county and municipal vendors and lobbyists and principals or employers of lobbyists who lobby the county or the municipalities.

To meet these requirements, the COE provides general and specialized training to county and municipal officials and employees, vendors, lobbyists, and members of the community on the County's Code of Ethics; provides legal advice through advisory opinions to those under the jurisdiction of the COE; investigates complaints alleging violations of the Code of Ethics Ordinance, Lobbyist Registration Ordinance, and Post-Employment Ordinance; and takes enforcement action on violations of these ordinances.

Mission

To increase awareness and improve clarity and proficiency in recognizing and addressing ethical issues, the mission of the Palm Beach County Commission on Ethics is to foster integrity in public services, promote the public's trust and confidence in that service, and prevent conflicts between private interests and public duties. The COE strives to accomplish this mission by conducting ongoing educational programs, and community outreach, providing clear and timely advice and fairly and impartially interpreting and enforcing the conflict of interest and financial disclosure laws. In doing so, the commission is guided by the principles of honesty, integrity, and character.

Commissioners

COE commissioners work together to govern the organization and dedicate their time and expertise to shape and support the ethical principles and interests of our community through their board service.

The COE meets monthly and is composed of five volunteer members who are appointed by different community organizations and serve staggered four-year terms. COE commissioners appoint a new chair and vice-chair annually.



Peter Cruise, Danielle Sherriff, Rodney Romano, Michael Kugler, and Michael Kridel

I would like to thank my fellow board members who volunteer and dedicate hundreds of hours of their time to the mission and efforts of the Commission on Ethics. Their passion and commitment are to be commended.

The COE staff is also to be commended for their exceptional leadership and work over this past year – your professionalism and dedication to an ethical community are outstanding and inspiring.

I have nothing but confidence in everyone's ability to lead the COE to a stronger and brighter future.

— Rodney G. Romano, Chairman

COE commissioners oversee procedures governing the operation and responsibilities of the Code of Ethics, the Lobbyist Registration Ordinance, and the Post-Employment Ordinance. They also make probable cause determinations on alleged ethics violations, advise and make recommendations in support of the Code and Ordinance policies and procedures.

Our commissioners perform a vital service to the community and are dedicated to building a strong ethical culture in Palm Beach County, overseeing and accomplishing the intent of the Code of Ethics, creating good practices in the area of government ethics, and placing a strong focus on applying procedural justice, responsible stewardship, accountability, and transparency.

Serving as a commissioner for the COE requires considerable experience, substantial commitment, and impeccable credentials. Good leadership from COE commissioners has been the catalyst of the COE's many accomplishments and successes. Their work is invaluable and helps create and build a stronger foundation of ethical understanding, behavior, and practices in local government.

Our COE Commissioners:

- **Rodney G. Romano, Esquire** – Chair, *appointed by the Palm Beach County League of Cities, Inc*
- **Michael H. Kugler, Esquire** – Vice-Chair, *appointed by the Hispanic Bar Association of Palm Beach County, in conjunction with the F. Malcolm Cunningham, Sr. Bar Association and the Palm Beach County Bar Association*
- **Peter L. Cruise, Ph.D.**, *appointed by Florida Atlantic University*
- **Danielle A. Sherriff, Esquire**, *appointed by the Palm Beach County Association of Chiefs of Police*
- **Michael S. Kridel, CPA, CFF, CITP, CFC**, *appointed by the Palm Beach Chapter of the Association of Certified Fraud Examiners*

COE Staff

Working under the leadership of Executive Director **Christie Kelley**, the COE staff members work steadfastly to raise and maintain strong ethical awareness and practices in service to the Palm Beach County community. COE General Counsel **Rhonda Giger**, Intake and Compliance Manager **Gina Levesque**, and Investigators **Mark Higgs** and **Abigail Irizarry** master the details of the day-to-day challenges and developments in promoting, training, protecting and strengthening the essential services and protections the Code of Ethics provides, and the public protection it affords when everyone carries out and performs the ethical practices outlined in the Code. COE staff provide the energy, enthusiasm, and ingenuity that drive the COE's purpose, mission, and success.



Gina Levesque, Christie Kelley, Rhonda Giger, Mark Higgs, and Abigail Irizarry

Strategic Plan 2022–2027

In 2022, the COE created and executed its very first strategic plan to help guide and organize priorities for the future so we can deliver greater value to our community and have a larger, more impactful presence. The strong focus on goals and objectives in the five-year strategic plan helps to clearly define, communicate, and adapt the actionable plans needed to align COE functions with its strategic goals over the short and long term.

Even though implementation of the plan is just getting started, staff have assessed the COE's organizational readiness for transformation, identified needed changes, and have eagerly started making those changes addressed in the five goals outlined in our strategic plan.

Goal 1: Provide Exceptional Service Delivery

Objective: To manage COE operations, priorities, and evaluation of programs, services, and projects.

In 2022, the COE established effective operational governance standards with measurable goals and metrics and an internal review framework to ensure the focus remains on continuous improvement methods and practices.

Goal 2: Maintain & Motivate A Highly Skilled Agile Team

Objective: To ensure a workplace environment that welcomes and supports COE employee engagement and development.

Last year, the COE designed and deployed management and communication plans with staff to include defined roles and responsibilities, career development, and staff meetings to increase workflow efficiencies leading to increased staff awareness, adherence, and commitment to delivering the highest levels of service to customers.

Goal 3: Overhaul and Improve COE Website

Objective: To engage and inspire individuals to support the COE mission.

COE launched phase one of this goal over the second half of 2022 which consisted of a review and update of its website content and navigation ability to improve user experience and create a more consistent and updated web experience. Plans over the next few years will incorporate more social media content onto the website and easier standardized website navigation. These features aim to improve both accessibility and usability for customers and will help capture key performance indicators to evaluate the performance of our website. An annual review of all material and resources available on the website will also be performed.

Goal 4: Enhance Comprehensive Education Program

Objective: To deliver COE training that is effective, efficient, and accessible.

Education is crucial to promoting ethical conduct in local government, and it is a critical component of any comprehensive ethics program. A well-thought-out ethics education program should include training on requirements and expectations, resources to utilize for advice and reporting violations, and evaluations.

This goal was designed to fulfill the unmet needs and demands for COE education services and updated, quality education programs and services.

Preliminary plans and objectives have been met and include a review and update of current programs and materials. In 2022, the COE requested and successfully obtained in their 2023 budget, a position for a dedicated staff member for education programming. Plans are in the works to create customized content and additional relevant subject matter that will provide training and resources for different groups in the county, while also gathering information for more customized programs.

Goal 5: Organization and Community Partnerships

Objective: To foster community outreach and partnerships to strengthen the COE's presence and services.

The COE is in the very early stages of this goal. Plans for this goal in 2023 include performing self-assessments of current partnership and outreach strategies and collaboration and engagement with other agencies and individuals in Palm Beach County communities.

Such strategies are vital for the COE to build support within the community and increase awareness of the important services the COE provides. Over the next few years, the COE will actively identify new opportunities for forming strategic partnerships with other organizations in the community, identify priority target populations for outreach, and develop action-oriented messages tailored to specific audiences that will help engage individuals and groups in our efforts.



Customer Satisfaction

Providing exceptional customer service and satisfaction is an important focal point of the COE. Because we value our customers' opinions and needs, we created and launched our new Customer Satisfaction Survey in June 2022 as a method to gain a better understanding of the needs of those we serve and to help us determine whether we meet, fall short of, or surpass our customers' expectations.

We also want our customers to play a role in shaping their ethical behavior, feel more connected to the COE, and be successful in their actions. Their feedback helps us build on the goals of our strategic plan, which is to create a loyal and committed customer base. If our customers are happy with what we do and provide, they will be our biggest promoters, support us, and speak highly about our mission.

Our survey has five questions with a rating scale to choose from and one final open-ended question, allowing survey respondents to share additional suggestions and ideas. Our customer satisfaction surveys are reviewed in real-time, allowing us to make immediate changes or address a customer's concern. Measuring our customers' satisfaction also helps us to obtain concrete numerical scores which may be used to develop new key performance indicators.

I feel I learn something new every time I take this training. The instructor was great with interacting with students and made the topic more interesting.

- Employee, City of Palm Beach Gardens.

This is a very beneficial training for government employees. Thank you.

- Employee, City of Lake Worth Beach

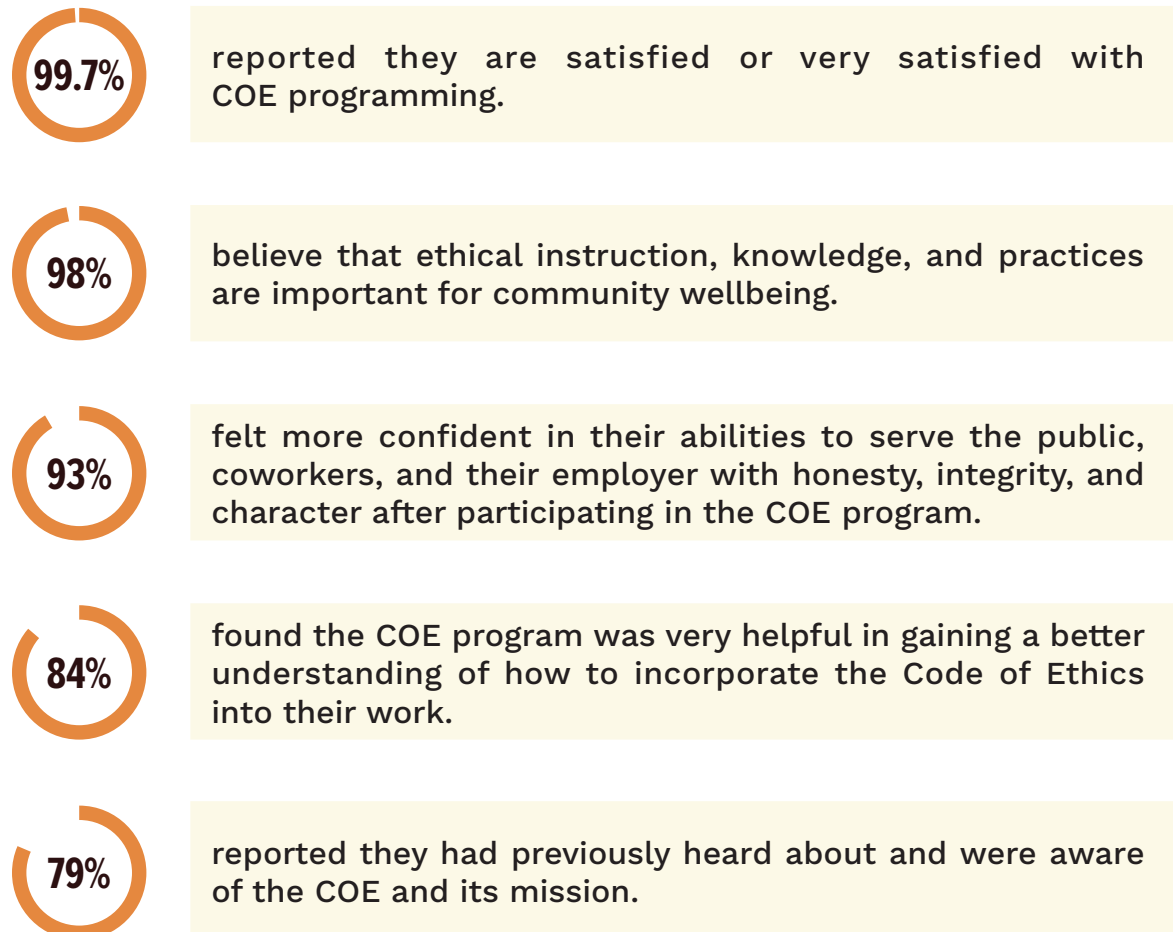
Good reminder of what we should know and adhere to... very informative and engaging.

- Employee, City of Palm Beach Gardens

The Commission on Ethics does a great job.

- Employee, Town of Palm Beach

In the last six months of 2022, 655 customers voluntarily completed our surveys regarding the work that we do. The surveys provided good news – our customers continue to be satisfied with our performance.



Measuring customer satisfaction is essential for us to monitor our efforts, and to see if we are heading in the right direction and providing successful educational programs and services. The commissioners and staff of the COE are dedicated to maintaining quality customer service, and we will continue to focus on providing exceptional customer service in the years ahead.

2022 Achievements

In sync with our Strategic Plan, we also reviewed ways to create better business and service for our customers. Our process performance review highlighted in our Strategic Plan helped us create tailored performance measurements, define adequate process measures, increase efficiency in communication, and identify ways to optimize our best performance leading to many COE successes and accomplishments in 2022. Sharing a few examples below of our successes is the best way for us to demonstrate that we are determined to have a strong future of successful performances as well.

Administrative

The administrative area of the COE is responsible for overseeing the day-to-day business and financial operations, designing and executing short and long-term strategic plans to include key performance measures, implementing new policies, procedures, and programs, and hiring and developing staff members.



COE Operations:

- ◆ Held **12** Commission Meetings.
- ◆ Welcomed **one** newly appointed COE commissioner and **three** re-appointed COE commissioners.
- ◆ Created the COE's **first** strategic plan.
- ◆ Conducted a comprehensive survey of **24** nationwide ethics agencies.
- ◆ Conducted **19** training policy compliance reviews and maintained ethics training rates of **96%** through support and outreach efforts by COE staff.
- ◆ Reviewed, developed, and implemented office policies and protocols for identification, prioritization, and standard practices of operations.
- ◆ Launched a new customer satisfaction survey.
- ◆ Began development of a continuous improvement/performance monitoring process.
- ◆ Filled vacant general counsel position.
- ◆ Successfully built a business case for a new staff position, Education & Communications Coordinator.
- ◆ Welcomed **two** new community organizations who will appoint a commissioner on a rotating basis.

Employee Development:

- ◆ Created and implemented new organizational culture and communication strategies.
- ◆ Developed and implemented protocols for identification, prioritization, and management of employee development and communication.
- ◆ COE staff attended professional development trainings and earned various certification.
- ◆ **Two** staff members earned Certified Forensic Interviewer certifications.
- ◆ **One** staff member earned the Certified Fraud Examiner certification.

Education and Outreach

Ethics training and outreach by the COE promotes ethics awareness and supports the importance of ethical practices in local government and the community. Our ethics training programs build and sustain a culture of integrity and also supports morale among those in public service because it helps to maintain a positive work culture and upholds a strong public image. Communicating the requirements of ethical behavior under the Palm Beach County Code of Ethics and helping implement that behavior in the workplace is an important strategy and mission of the COE. Our ethics training not only educates officials and employees on the Code of Ethics but also helps them to identify potential issues. To enhance our programs, COE staff tailors its in-person training according to the needs and learning styles of participants. The COE website is also used to support and provide additional education assistance.

All county and municipal elected officials, employees, contract employees, volunteer officials, members of code enforcement boards (including the COE), and advisory board members are required to complete Palm Beach County Code of Ethics training.

Education & Outreach:

- ◆ Delivered **51** in-person training sessions to public officials and employees.
- ◆ Assisted with maintaining county and municipal training compliance by conducting **19** compliance reviews.
- ◆ Started a preliminary examination of the effectiveness of COE training programs
- ◆ Created and delivered a new gift law training module.
- ◆ Published and distributed newsletter on accepting holiday gift.
- ◆ Promoted awareness of the COE on social media.
- ◆ Attended at least one commission meeting of each of the 39 municipalities within Palm Beach County and the Board of County Commissioners, as well as a meeting of the Lake Worth Beach Community Redevelopment Agency.



Website:

- ◆ Initiated a review of all website content and identified areas needing enhancement/improvement.
- ◆ Updated current materials and links on the COE website.
- ◆ **24,325** page views of COE website.
- ◆ **10,690** new visitors to COE website.
- ◆ **82%** of visitors were located in the United States, with **45%** of visitors located in Florida.

Advisory Opinions – *Ask First, Act Later*

The mission of the COE is to protect the public's trust in government officials, institutions, and processes. We do this by encouraging public officials and employees to follow our motto of "ask first, act later."

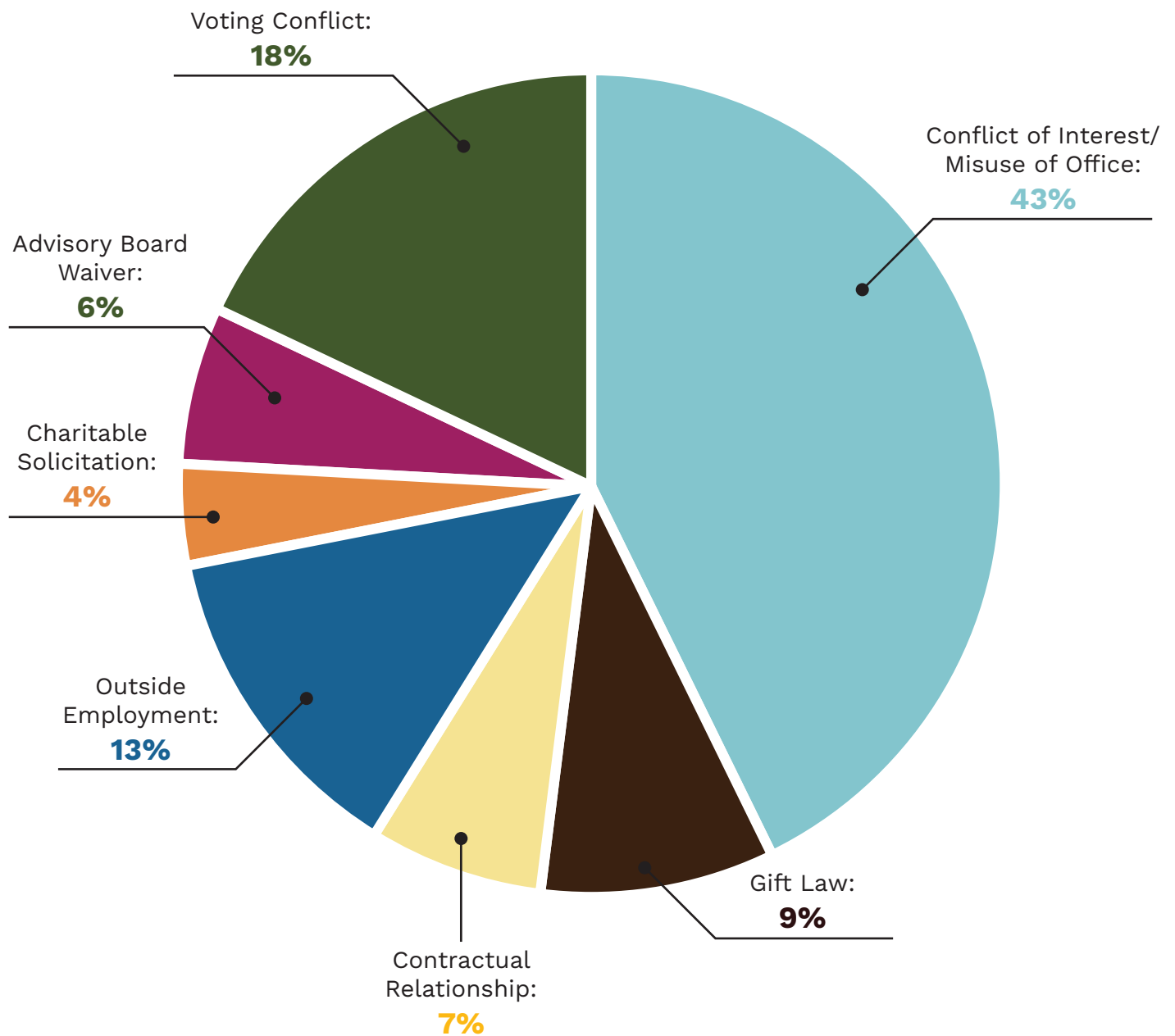
To assist with its mission, COE staff provides legal advice or advisory opinions. An advisory opinion is an interpretation of the law as it applies to a set of facts provided in writing by the individual requesting the opinion. The purpose of an advisory opinion is to provide guidance to an official or employee before the individual engages in an action that may be prohibited. An advisory opinion may be requested by any person over whom the COE has jurisdiction.

Advice:

- ◆ Managed approximately **670** customer requests for assistance via phone and email and used these requests to also educate customers about the COE and the Palm Beach County Code of Ethics.
- ◆ Managed **43** requests for advice by referring the requesting party to prior opinions.
- ◆ Issued **30** new advisory opinions.
- ◆ Average number of days to complete advisory opinions: **13** days.



Advisory Opinions by Subject Matter



Investigations and Enforcement

The COE is responsible for enforcing the Palm Beach County Code of Ethics, Palm Beach County Lobbyist Registration Ordinance, and the Palm Beach County Post-Employment Ordinance and conducting confidential inquiries and investigations into alleged violations of these ordinances.

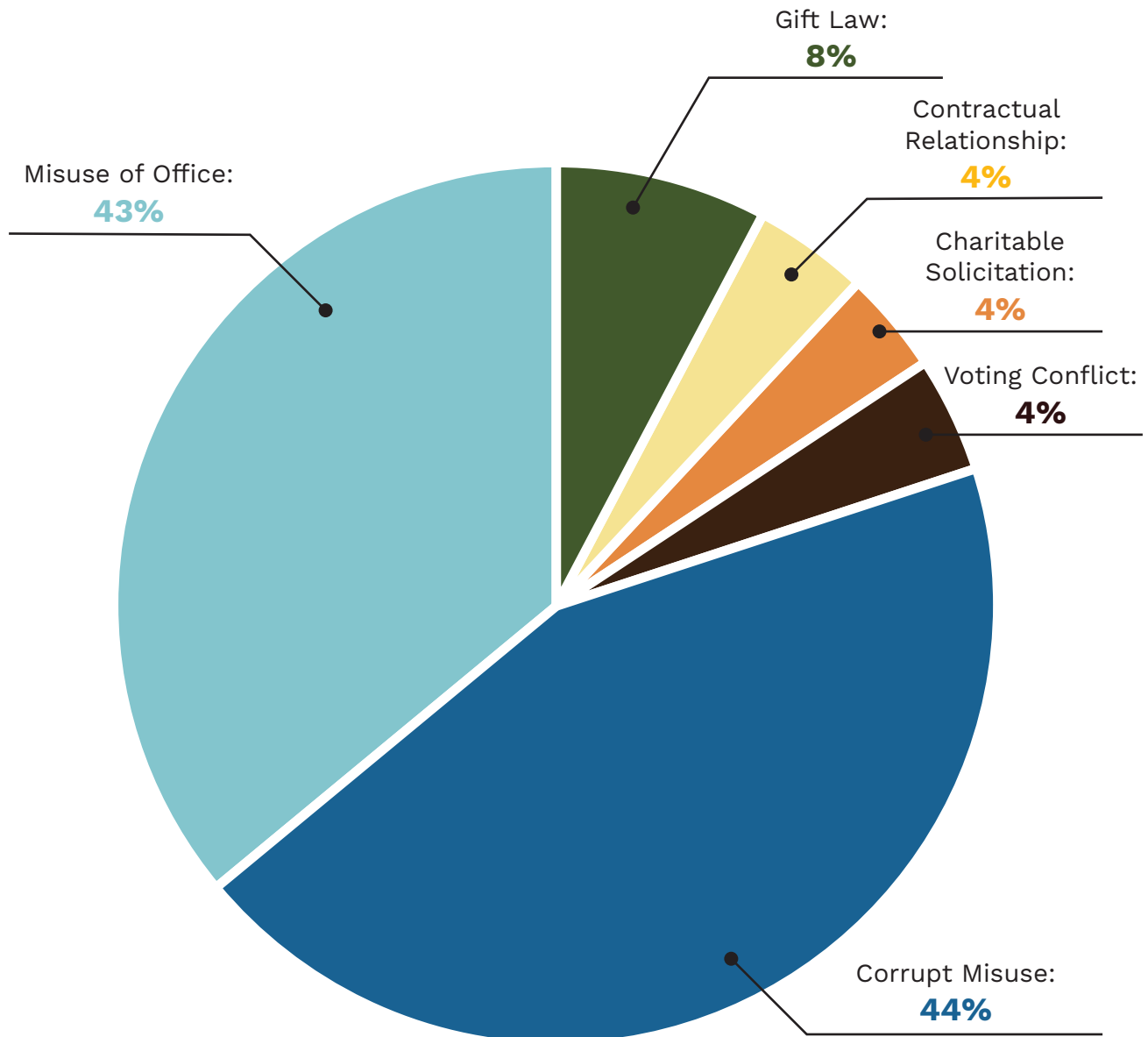
To further fulfill its mission of protecting the public's trust in local government, the COE protects and values the reporting of concerns and suspected wrongdoings by individuals. To support this mandate, the COE has policies and procedures that are designed to facilitate effective and efficient investigations and enforcement, while protecting the procedural rights of individuals.



Investigations & Enforcement:

- ◆ Initiated **12** inquiries.
 - *6 closed due to lack of legal sufficiency*
 - *3 had legal sufficiency to become self-initiated complaints*
 - *3 still pending*
- ◆ Closed **2** inquiries from 2021 due to lack of legal sufficiency.
- ◆ Investigated **3** sworn complaints.
 - *1 administratively dismissed for lack of legal sufficiency*
 - *1 dismissed with the issuance of a Letter of Instruction*
 - *1 dismissed with finding of no probable cause*
- ◆ Investigated **3** self-initiated complaints.
 - *1 probable cause found; final hearing will be in 2023*
 - *2 investigations still pending*
- ◆ Reviewed **237** gift disclosure forms.
- ◆ Average number of days to complete routine inquiries: **40** days.
- ◆ Average number of days to complete routine complaints: **29** days.
- ◆ Average number of days to complete complex complaints: **13** days.

Subject Matter of Inquiries & Complaints



Fiscal Report

Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for COE operations, and the COE budget comes out of the County's General Fund Account. As good stewards of the public's money, the COE is very conscientious about using budgeted funds for the highest and best purpose, which is running the COE efficiently and effectively to fulfill the COE mission. The Commission's budget was \$771,404 for the fiscal year 2022. The COE expended \$707,485.04 of those funds.

Detailed budget information is available from the Palm Beach County Office of Financial Management and Budget at www.pbcgov.org/ofmb.

2023 Projects

Our results in 2022 show that the foundation of the COE is strong, and we are committed to continuing the successful path of service delivery and operational results for our community. A few of the projects from the 2022-2027 Strategic Plan the COE will be focusing on in 2023 include:

- ◆ Use customer satisfaction survey information and other sources to assess the effectiveness of COE program and service delivery and determine potential gaps in service delivery.
- ◆ Revise Code of Ethics training for in-person and online access by officials, employees, and others under the jurisdiction of the COE.
- ◆ Update all Code of Ethics educational publications.
- ◆ Update the COE website, including all written materials, guides, and training, and assess and identify successful communication pathways or roadblocks.
- ◆ Create a marketing strategy to promote and raise awareness of the COE and to inform and educate those under our jurisdiction and the general public about COE principles and practices.
- ◆ Create an outreach plan to deliver programs and services to the identified opportunities to educate the public about the COE's mission of promoting public trust in government.
- ◆ Continue to provide high-quality and reliable programs and services to the community, while at the same time ensuring the effective use of our resources.
- ◆ Review COE Strategic Plan to ensure it accomplishes what it is set out to do and adjust where appropriate to ensure a flexible organization that anticipates and adapts to change.

Looking Ahead

Since our founding in 2010, the Palm Beach County Commission on Ethics has maintained and will continue to maintain our proud legacy of serving the needs of our customers and communities. Delivering exceptional programs and services is always at the forefront of all the COE's undertakings, and our customers remain, and will always remain, at the heart of our strategies and services.

In 2022, we announced our inaugural five-year strategic plan with an ambitious vision for the future and have already made important progress on our goals and objectives, which include enhancing our ability to deliver exceptional customer service, proactively providing information and notifications, and boosting administrative service-oriented policies and capabilities.

As we look ahead, the COE stands eager and ready to begin a new year marked by a clear vision. We are poised for continued success as we accelerate our path forward with constructive strategies, actions, and outcomes that will provide valuable services, education, and clarity for our customers. We are very proud of our efforts and results so far in building a strong ethical culture in Palm Beach County, and we are excited about what lies ahead in 2023.





Appendix

Palm Beach County Code of Ethics

Code of Ethics

Effective Date: July 1, 2021

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.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11)

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, or where expressly provided herein to the contrary:

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.

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 of these, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, §112.3148, and the Florida Administrative Code as may be amended.

Household member includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not renters 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, or who registers in the county's central lobbyist registration database or with any municipality, 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 entity 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, and providing that the person is not otherwise registered as a lobbyist in the county's central lobbyist registration database, or with any municipal lobbyist registration system when that municipality has its own lobbyist registration process.

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 volunteers of the county or the municipalities located within the county when such volunteers exercise discretionary police, fire, or parking enforcement department authority. The term “employee” also includes the chief executive officer of the county or any municipality, who is not part of the local governing body. If the county or municipality utilizes and contracts for “privatized” chief administrative officers or chief executive officers, then the person providing such services, or the officers, directors, and employees of any entity providing such services, shall be considered the employees of the county or municipality that he or she serves. However, it shall not include local government attorneys as defined in Florida Statutes § 112.313, or attorneys who render contracted services to the county or municipality that are limited in scope to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. 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.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist’s employer, for the purpose of lobbying.

Relative unless otherwise specified in this article, 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 or to 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. Currently sells goods or services shall mean the period of time of an actual transaction or contract between a vendor and the government entity if such transaction or contract exceeds \$500. Where no formal contract exists for the sale or lease of goods and services, it shall include the period of time from the point the government entity orders or otherwise agrees to purchase goods and services from a vendor, to the point that all obligations on the part of both the vendor and the government entity have been satisfied by delivery of the goods and/or services by the vendor, and payment has been received for those goods and services by the vendor, and where no other obligations by either party concerning the purchase of the goods and/or services remain unsatisfied. However, it shall not include any warranty period provided by the vendor once payment for the goods and services has been received and the goods and services have been delivered, even where an obligation to provide warranty service on the part of the vendor shall exist.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11, 4-6-21)

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, or attempt to do any of these things, 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 organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.
- B. **Corrupt misuse of official position.** An official or employee shall not use or attempt to 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 term “participate” as used in this section shall be defined as: “To take any action, or to influence others to take any action, or to attempt to do any of these things, in order to affect the passage or defeat of the specific matter before the voting body in which the official is required to abstain from voting.” The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).
- D. **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with his or her 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 (1) of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a public hearing, by the appointing person. In addition, no official or employee shall be held in violation of subsection (d) if:

1. The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:
 - a. The official or employee, or his or her relative or household member, has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;
 - b. The official or employee, or his or her relative or household member, has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
 - 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 under applicable law or county or municipal policy, and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.
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 his or her spouse, domestic partner, household member, or relative does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and

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

- 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 Florida Statutes, §§475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement if allowed by the rules of the Florida Bar.
- H. **Honesty in applications for positions.** No person seeking to become an official or employee, or seeking any promotion or job reassignment within the public entity that currently employs them, or seeking to enter into a contract or otherwise seeking to provide goods or services to the county or municipality as applicable, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the county or municipality as applicable.
- 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.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11, 4-6-21)

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 vendor, lobbyist, or principal or employer of a lobbyist that lobbies, sells, or leases to the county or a municipality as applicable, 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, or should know with the exercise of reasonable care, is an official or employee of that county or municipality. For the purposes of this subsection (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 person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist, who lobbies, sells, or leases to the recipient's advisory board or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice.
- 2. No vendor, lobbyist, or principal or employer of a lobbyist who lobbies, sells, or leases to an 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, 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, or should know through the exercise of reasonable care, is a member of that advisory board. For the purposes of this subsection (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, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases to the county

or municipality as applicable, where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee. No advisory board member or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases to the recipient's advisory board or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice, where the gift is for the personal benefit of the advisory board member, another advisory board member, another official or employee, 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 or employer entity, or any employee of a principal or employer 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 or employer 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, including, but not limited to, the state's definition of gift, exceptions thereto, and gift valuations. The county code of ethics' definition of gift and exceptions thereto shall not be used by reporting individuals to complete and file state gift reporting disclosures. When a state reporting individual files or is required to file a gift report with the state, a copy of each report shall also be filed with the county commission on ethics no later than ten (10) days after the report is filed with the state. Failure to file a State of Florida Quarterly Gift Disclosure Form with the county commission on ethics within the required timeframe shall be a violation of this section.

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

- a. **Personal gifts.** All officials and employees who are not reporting individuals under state law are not required 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 one hundred dollars (\$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 January 31 of each year for the previous calendar year (January 1 through December 31). All officials or employees, who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law. The county code of ethics' definition of gift and exceptions thereto shall be used by non-state-reporting individuals in completing and filing annual gift disclosure reports required by this section.

G. Exceptions. For the purposes of this section, the following shall not be considered a gift:

1. Political contributions specifically authorized by state or federal law;
2. Gifts from any relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;
3. Awards for professional or civic achievement;

4. Materials such as books, reports, periodicals or pamphlets that are solely informational or of an advertising nature;
 5. 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;
 6. 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;
 7. Inheritance or other devise;
 8. Registration fees and other related costs associated with educational or governmental conferences, meetings 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 his or her duties and responsibilities as an official or employee of the county or municipality;
 9. 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 lobbyist or a 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 (f)(1) and (f)(2);
 10. 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 lobbyist or a 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 (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 subsections (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 thirty (30) days from the occurrence of the event for which the solicitation was made, or if no event, within thirty (30) days from the occurrence of the solicitation.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11, 4-6-21)

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 or domestic partner 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 thirty-five thousand (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.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11, 4-6-21)

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, employees, and local government attorneys as defined in Florida Statutes §112.313, 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.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11, 4-6-21)

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.

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11)

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 and their employees.

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

(Ord. No. 2011-011, §1(Exh. 1), 5-17-11, 4-6-21)



Honesty - Integrity - Character

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