

## CITY OF HALLANDALE BEACH

### CITY CLERK'S OFFICE

#### INFORMATION SHEET - BOARD AND COMMITTEE MEMBERS

The following is a brief description of Sunshine Law compliance, conflict of interest and gift law regulations. If you wish to review detailed information regarding these topics, please contact the City Clerk's Office.

#### SUNSHINE LAW

When a meeting of a City Board or Committee is held, the meeting must be open to the public, reasonable notice of the meeting must be given, and the minutes of the meeting must be taken. The Sunshine Law applies to any gathering, whether formal or casual, of the two or more members of the same Board or Committee to discuss some matter on which foreseeable action will be taken by the Board or Committee. The Sunshine Law does not typically apply to discussion which concern matters which are not likely to come before the Board or Committee for its consideration. Additional information found in: [Open Government - The "Sunshine" Law](#).

#### VOTING

Conflicts of Interest are regulated by both State Law and City Code. A Board or Committee member cannot abstain from voting on a matter that comes before the Board or Committee. The only exception is when the Board or Committee member has, or appears to have, a conflict of interest. In such cases, the Board or Committee Member should not participate in discussion of the matter, should abstain from voting, and must file the appropriate disclosure form.

#### GIFTS

Solicitation or Acceptance of Gifts ([F.S. 112.313](#)): No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

#### LEGAL ADVISOR

The City Charter provides that the City Attorney is the legal advisor to all City Board and Committees. If specific legal guidance is necessary, the City Attorney's Office is available to you.

purposes of classification, and at the editor's discretion, these provisions have been included as § 2-39. See also the Code Comparative Table.

**Secs. 2-40—2-70. Reserved.**

**ARTICLE III. BOARDS, COMMITTEES, DISTRICTS AND AUTHORITIES\***

**DIVISION 1. GENERAL POLICIES FOR ADVISORY BOARDS AND COMMITTEES†**

**Sec. 2-71. Appointment of members; qualifications; vote of commission.**

(a) Boards and committees will be created by ordinance and have five members unless a greater number of members is specifically stipulated in the enabling authority. All members of boards and committees, including alternate members, shall be appointed by a majority vote of the city commission. Individual members of the commission may not give direction to nor interfere with board or committee actions.

(b) Nomination and appointment to boards and committees shall be as follows, unless otherwise required by law:

- (1) On boards and committees consisting of five members, each member of the city commission shall have one nomination.
- (2) On boards and committees consisting of seven members, each member of the city commission shall have one nomination and two members will be appointed by the commission-at-large.
- (3) On boards and committees of membership other than five or seven, the city commission shall specify the method of appointment in the enabling ordinance.

\***Cross references**—Code board, § 9-44; nuisance abatement board, § 9-58; civil service board, § 21-61 et seq.

†**Editor's note**—Ord. No. 2018-012, § 2, adopted May 16, 2018, repealed former §§ 2-71—2-76 of Div. 1, and enacted new §§ 2-71—2-77 as set out herein. The former sections pertained to similar subject matter and derived from Code 1980, §§ 2-31—2-36; Ord. No. 2002-01, 1-18-2002; Ord. No. 2003-09, 4-1-2003; and Ord. No. 2007-09, 6-20-2007.

(4) The city commission may appoint an alternate member to each board or committee to serve as a substitute for absent regular members; and while so serving, the substitute shall have the full power and authority of the absent member. No special qualifications shall be required to serve as an alternate member of any such board, authority or agency except as otherwise provided by law.

(5) By motion, any commissioner may nominate a person to another commissioner's appointment should it be vacant for more than three commission meetings.

(c) *Qualifications.*

(1) Members of board or committees shall be a resident of Hallandale Beach and shall maintain residency in Hallandale Beach during the term of appointment, unless composition of the board or committee is otherwise constituted. All appointees must provide proof of residency unless the appointment is exempt from the residency requirement.

(2) Individuals seeking appointments to a board or committee are to complete the application and submit to the city clerk. Appointees will complete an application following appointment if not received prior to the appointment.

(3) Except as authorized by the enabling authority, board or committee members may not be members of the city commission or city officials or employees. The city commission, officials and employees may attend or be designated to attend the board or committee meetings in an advisory or administrative capacity, such as a liaison function, without voting privileges.

(4) At any given time, board members may not serve on more than one board and one committee or on two boards or on two committees.

- (5) Members must have no debt obligation with the city or be a party in litigation adverse to the city.

(d) *Vacancies.* As necessary or as requested by a commissioner, the city clerk's office will advertise the availability of board and committee openings. Applicants are to complete a board or committee application and submit to the city clerk. As applications are received, the city clerk, through the city manager, will advise the commission of the application and vacancies. Appointments will be considered during the "city commission communications" portion of commission meetings.

(Ord. No. 2018-012, § 2, 5-16-2018)

**Sec. 2-72. Terms; reappointment.**

The members and alternate members of all boards and committees shall serve at the pleasure of the city commission and shall be appointed for terms of approximately two years, with terms expiring on the date of the city commission organizational meeting following each city commission election. Appointees serve at the pleasure of the nominating commissioner or other appointing authority. If the nominating commissioner vacates his or her office for any reason, the terms of respective advisory board or committee member nominated by that commissioner shall terminate at the same time the commissioner's office is vacated. However, each member and alternate member shall continue to serve until a successor is appointed. All members and alternate members are eligible for reappointment.

(Ord. No. 2018-012, § 2, 5-16-2018)

**Sec. 2-73. Election of officers.**

All boards and committees shall appoint a chairperson, vice-chair, secretary and treasurer (if necessary) for a one-year term at their first board or committee meeting. No person can serve more than two consecutive terms at any one officer position. No person may serve as the same category of officer contemporaneously on more than one board, but may hold a different office on a second board or committee.

(Ord. No. 2018-012, § 2, 5-16-2018)

**Sec. 2-74. Administration of boards and committees.**

(a) Boards and committees will operate under "Roberts Rules of Order."

(b) The secretary shall be responsible for the preparation of meeting minutes. The minutes shall include the date, time, location and name of the board, the name of the committee members and whether they are in attendance, all motions, the makers and those who second, and the vote. Verbatim minutes are not necessary. The secretary will have two weeks from the day of the meeting, to prepare typed minutes and provide a copy to each member and to the staff liaison. Within five days of approval of the minutes by vote of the board or committee a copy must be sent to the city clerk for distribution to the city manager and city commission.

(c) *Scheduling of meetings.*

(1) The meetings of board or committee may not conflict with any city commission meetings, special meetings or workshops that are posted. However, the city commission may schedule a town hall meeting, special meeting, or workshop on the same date and time as a board or committee meeting that has already been scheduled.

(2) Meetings may begin and end at any time the board or committee determines, by majority vote. Meetings must be advertised by the city clerk and the secretary of the board or committee must inform the city clerk of the next two month's meeting dates the day after each board or committee meeting. Therefore, the boards must have 'meeting dates' as an item on their agenda each month, unless meetings will be on a regular schedule.

(d) A majority of the total number of members will constitute a quorum. For a five-person board or committee, three members shall constitute a quorum. For a seven-person board or committee, four members shall constitute a quorum. For a ten-person board or committee, six members shall constitute a quorum.

(e) The city commission must first approve events desired by board or committee before the event is scheduled.

(f) The treasurer (if necessary) will be responsible for all funds allocated to the board or committee and must keep accurate records and receipts for all purchases and sales. A report is due to the city clerk and staff liaison each month, within two business days after the meeting.

(g) *Annual reports.* Annual reports are required of each board and committee. The following procedures will be followed regarding annual board or committee reports presented to the city commission.

- (1) An annual report from each board or committee will be scheduled by the city clerk's office.
- (2) The board or committee chair or designee, in conjunction with the departmental liaison, shall prepare the annual report. The annual report shall be submitted by the departmental liaison to the city clerk so as to be received at least 16 days in advance of the date scheduled for the presentation to the commission. The report shall be included in the commission agenda.
- (3) The annual report shall contain the following information:
  - a. The purpose of the board or committee;
  - b. A listing of the current members with notation of any vacancies;
  - c. The significant activities or accomplishments during the past year;
  - d. Priority activities for the coming year;
  - e. Specific recommendations for city commission consideration, if any, provided the recommendations have been approved for submittal to the commission by the majority of the board or committee members.

(4) The attendance of the board or committee departmental liaison is required at the commission meeting when the report is presented.

(Ord. No. 2018-012, § 2, 5-16-2018)

**Sec. 2-75. Attendance of board members and alternate board members.**

(a) An attendance record of each scheduled board meeting shall be kept. All appointees and alternate appointees to a quasi-judicial board or committee are to attend all board or committee meetings.

(b) Any appointee to a board or committee or alternate appointee who has three consecutive unexcused absences or has four total unexcused absences in one calendar year shall be automatically removed as a member of the respective board or committee. The chair of the board or committee or staff liaison shall report such absences to the city clerk. The city clerk, through the city manager, shall advise the commission of the removal of the board or committee member. Each board or committee member removed shall be notified in writing by the city clerk.

(c) Excused absences are absences for reasons such as illness, family emergencies, military obligation, court imposed legal obligations, participation in city activities or other reasons deemed appropriate by the chair, or in the chair's absence, by the staff liaison. The member must advise the chair or staff liaison in advance in order for the absence to be excused. The chairperson must announce at the meeting the absence and whether the absence is excused or unexcused.

(d) Members of board or committee who are more than 15 minutes late to a meeting will automatically be recorded as having an unexcused absence, unless they have called in advance to notify the chair or staff liaison that he or she will be delayed. However, the member may fully participate in the business of the board or committee once they have arrived to the meeting, including voting on items.

(Ord. No. 2018-012, § 2, 5-16-2018)



**Sec. 2-76. Ad hoc committees.**

Ad hoc committees may be established administratively or by motion. Ad hoc committees are committees of temporary tenure and shall not have a term of greater than six months. (Ord. No. 2018-012, § 2, 5-16-2018)

**Sec. 2-77. Exclusions.**

(a) All boards, authorities and agencies created by general law, special act of the legislature, or pursuant to other authority, shall follow the requirements of the enabling legislation when such legislation is in conflict with this chapter.

(b) Specifically exempted from this chapter are all municipal pension boards, the nuisance abatement board and the civil service board. (Ord. No. 2018-012, § 2, 5-16-2018)

**Sec. 2-78. Issuance of subpoenas by boards and agencies; enforcement of subpoena by court.**

(a) Wherever the power to subpoena witnesses to appear and testify in any matter, and to compel the production of documents or other materials or objects, has been conferred by the legislature of the state upon the city commission, the city civil service board, or any other board or agency of the city, such subpoenas, orders and other process shall be issued by the secretary or clerk of such board, signed by the presiding officer of such board, and served by a member of the police department of the city. The fee allowed by the laws of the state for the attendance of witnesses at any court shall be tendered to the witness together with the mileage to and from the place of hearing within the city and as provided by law.

(b) Such subpoena shall be issued under the name of the board or agency conducting a hearing or investigation or other proceeding wherein the attendance of witnesses or production of documents is required by law, and shall be enforced by the court.

(c) Upon the failure of any witness to attend after due service of a witness subpoena or upon a witness improperly declining to testify, or produce documents or materials before such board, or

upon such witness or other individual conducting himself in such a way as to constitute a contempt of the board, the board may vote to direct its counsel to initiate contempt proceedings against the witness or other individual in the court having jurisdiction.

(d) Upon the decision by majority vote of the board to initiate contempt proceedings, the chairman shall direct the counsel for such board to present to the city prosecutor the necessary facts, documents and other evidence to initiate attachment and contempt proceedings before the court. Upon receipt of such information and evidence, the prosecutor shall institute in the court a proceeding for contempt including attachment of a person alleged to be guilty.

(e) After process has been issued and the person of the defendant brought before the court, the judge shall hear such evidence as may be offered upon the question of failure to obey the lawful commands of a subpoena, or to produce documents or other materials, or to testify, or otherwise be contemptuous of the lawful exercise of authority by such administrative board or agency, and shall decide the issue as in other matters of contempt of a court of record in this state.

(f) If the witness or other person is adjudged guilty of contempt, that person shall be subject to the same penalties as for violation of any other section of the Code of Ordinances of the city.

(g) All requests for witness subpoenas and for subpoenas for production of documents shall be addressed to the board by the party desiring the attendance of the witness or the production of documents or materials. The city shall pay such costs for witness fees and mileage as may be required to serve subpoenas on behalf of the city or any of its departments. Any other party to any proceeding desiring to obtain the issuance of a subpoena shall also advance the costs for witness fees and mileage to the clerk or secretary of the board issuing the subpoena for delivery to the witness if served.

(Code 1980, § 2-9; Ord. No. 2018-012, § 2, 5-16-2018)

**Editor's note**—Former § 2-77 was renumbered herein as § 2-78, at the editor's discretion, to facilitate inclusion of Ord. No. 2018-012 as new §§ 2-71—2-77.

**Secs. 2-79—2-100. Reserved.**

DIVISION 2. ADVISORY BOARDS AND COMMITTEES\*

**Sec. 2-101. Beautification advisory board.**

There is established the Hallandale Beach Beautification Advisory Board which shall advise and recommend to the city commission action to be taken in the following matters as they concern beautification factors:

- (a) Overall appearance of the city.
- (b) Long range plans for beautification projects.
- (c) Such other matters pertaining to the beautification of the city referred to the board by the city commission.

(Code 1980, § 2-24; Ord. No. 2018-013, § 3, 5-16-2018)

**Sec. 2-102. Planning and zoning board.**

(a) *Established.* A planning and zoning board is established, which shall consist of five members designated in accordance with general advisory board nomination processes, one non-voting member designated by the school board, and two alternates designated by the city commission at-large. Each board member shall be a resident of the city and shall possess experience or interest in the fields of planning, zoning and land development.

(b) *Responsibilities.* The board shall review and make advisory recommendations to the city commission on applications for the following:

- (1) Changes to the zoning code text or official zoning map (rezonings);
- (2) Conditional uses;
- (3) Variances, other than those variances it has authority to approve pertaining to minor development under section 32-965(a);

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\***Editor's note**—Ord. No. 2018-013, § 2, adopted May 16, 2018, changed the title of Div. 2 from "Beautification Advisory Board" to read as set out herein.

- (4) Changes to the comprehensive land use plan;
- (5) Development review approval for major development;
- (6) Application for all plats of subdivision and resubdivisions of land; and
- (7) Such other matters as deemed appropriate by the city commission.

(c) *Meetings.* The planning and zoning board shall establish the time and place for all meetings and shall meet at least once each month on a regularly scheduled date. The board may elect not to hold a meeting when there are no scheduled items; when a quorum cannot be achieved; and during the month of December due to the holiday season. The board may schedule special meetings upon the call of the chairperson.

(d) All board meetings shall be open to the public.

(e) The director or his designee shall be in attendance at all meetings as an advisor and be permitted to propound questions, give evidence and make recommendations.

(Ord. No. 2018-013, § 7, 5-16-2018)

**Sec. 2-103. Parks and recreation advisory board.**

(a) There is created and established a parks and recreation advisory board for the city, which shall consist of ten residents of the city. Each of the five commissioners will appoint two board members to the parks and recreation advisory board.

(b) *Functions and duties.* The parks and recreation advisory board shall have the following functions and duties:

- (1) Make recommendations concerning the operation of all public parks, playgrounds, undeveloped park lands, public beaches and other recreational facilities within the city.
- (2) Recommend to the city commission and the city manager from time to time actions which it believes the city commission should take with reference to the acquisi-

tion, development and maintenance of parks, playgrounds and recreational facilities in the city.

- (3) Recommend rules and regulations for the operation of city parks, playgrounds and public recreational facilities.

(Ord. No. 2018-013, § 8, 5-16-2018)

**Sec. 2-104. Public transportation, traffic and parking advisory board.**

There is created and established the Hallandale Beach Public Transportation, Traffic and Parking Board, which board is established for the purposes of assisting the city commission in planning, developing and implementing a mass transit program and addressing the issues of traffic and parking throughout the city. The board shall serve in an advisory capacity to the city commission regarding matters related to the city's mass transit program, parking, and traffic reduction initiatives. It shall exercise and perform such other duties as may be established by the city commission.

(Ord. No. 2018-013, § 9, 5-16-2018)

**Sec. 2-105. Historic preservation board.**

(a) There is hereby created a historic preservation board (hereinafter "the board") as an advisory board to the city commission of the City of Hallandale Beach which shall meet no less than four times per year. The board is hereby vested with the power, authority, and jurisdiction to recommend designation, regulation, and administration of aesthetic, archaeological, architectural, cultural, historical, and paleontological resources within the city.

(b) *Members.* The board shall consist of five members appointed by the city commission. The city commission should attempt to appoint persons with education, experience, training, and interest in the fields of archaeology, architecture, art, history, law, urban planning, natural history, and real estate or other individuals with related backgrounds or from the business, financial, and other segments of the community who, by virtue of their profession, business, or other ties to the city have demonstrated a concern and interest in historic preservation within the city.

(c) The city manager shall provide adequate professional staff for the operational support of the board.

(d) *Powers and duties.* In addition to those responsibilities required of all advisory boards and committees, the historic preservation board shall have the following enumerated powers and duties:

- (1) Make recommendations to the city commission for adoption or amendment to rules and procedures reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this section.
- (2) Recommend designation of individual sites, districts, archaeological and paleontological zones to the city commission.
- (3) Recommend issuance or denial of special certificates of appropriateness and certificates to dig to the city commission.
- (4) Establish, maintain, and update guidelines for preservation and criteria for the issuance by staff of regular certificates of appropriateness.
- (5) Approve historic markers and provide other recognition for individual sites, districts, and zones.
- (6) Promote the awareness of historic preservation and its community benefits.
- (7) Establish, review and update the city's historic survey.
- (8) Identify sources of historic records pertaining to the city.
- (9) Serve as central collection point for donation of historic documents pertaining to the city.
- (10) Archive, catalogue, and maintain all historic documents of the city.

(Ord. No. 2018-014, § 2, 5-16-2018)

**Sec. 2-106. Education advisory board.**

(a) There is hereby created an education advisory board as an advisory board to the city commission of the City of Hallandale Beach.

(b) *Members.* The board shall consist of eight voting members appointed as follows:

- (1) Member of the Parent Teacher Organization - Gulfstream Academy of Hallandale Beach K-8 Elementary (parent or guardian of a child enrolled within the school).
- (2) Member of the Parent Teacher Organization - Gulfstream Academy of Hallandale Beach K-8 Elementary (parent or guardian of a child enrolled within the school).
- (3) Member of the Parent Teacher Organization - Hallandale High School (parent or guardian of a child enrolled within the school).
- (4) Mayor appointment: One resident who has a background in education and interest in the field of education.
- (5) Commissioner appointment (Seat 1): One resident who has a background in education and interest in the field of education.
- (6) Commissioner appointment (Seat 2): One resident who has a background in education and interest in the field of education.
- (7) Commissioner appointment (Seat 3): One resident who has a background in education and interest in the field of education.
- (8) Commissioner appointment (Seat 4): One resident who has a background in education and interest in the field of education.

(c) The city manager shall provide adequate professional staff for the operational support of the board.

(d) *Powers and duties.* In addition to those responsibilities required of all advisory boards and committees, the education advisory board shall research program and resource opportunities for the city to partner with the schools, recommend actions to support the educational facilities, and increase interaction and coordination between local schools and businesses. (Ord. No. 2018-018, § 2, 8-1-2018)

**Secs. 2-107—2-120. Reserved.**

DIVISION 3. NUISANCE ABATEMENT BOARD\*

**Sec. 2-121. Established.**

Pursuant to F.S. chs. 166 and 893, and other relevant provisions of Florida law, the city commission hereby creates and establishes a board known and designated as the "nuisance abatement board" which shall be a quasi-judicial body. The city commission shall sit as the nuisance abatement board.

(Ord. No. 2018-015, § 3, 5-16-2018)

**Sec. 2-122. Duties.**

The nuisance abatement board shall function as the administrative board authorized by F.S. § 893.138 to hear complaints, declare public nuisances and render orders regarding the abatement of the public nuisances as defined in chapter 15 of the City's Code. The nuisance abatement board shall have the powers as delineated in this division, F.S. § 893.138, and other Florida law.

(Ord. No. 2018-015, § 3, 5-16-2018)

**Sec. 2-123. Representation.**

The city attorney, or his or her designee, shall act as counsel for the nuisance abatement board. The city manager or designee shall present evidence before the board on behalf of the city. The city attorney may retain independent special counsel on behalf of the city to present evidence to the board as necessary.

(Ord. No. 2018-015, § 3, 5-16-2018)

**Sec. 2-124. Rights preserved.**

This division does not restrict the right of any person to proceed under F.S. § 60.05 against any public nuisance.

(Ord. No. 2018-015, § 3, 5-16-2018)

\**Editor's note*—Ord. No. 2018-013, § 4, adopted May 16, 2018, repealed Div. 3, § 2-121, which pertained to charter review committee and derived from Code 1980, § 2-23. Subsequently, Ord. No. 2018-015, § 3, adopted May 16, 2018, added a new Div. 3, §§ 2-121—2-124, as set out herein.



**Secs. 2-125—2-140. Reserved.**

DIVISION 4. RESERVED\*

**Secs. 2-141—2-170. Reserved.**

DIVISION 5. RESERVED†

**Secs. 2-171—2-200. Reserved.**

DIVISION 6. RESERVED‡

**Secs. 2-201—2-230. Reserved.**

DIVISION 7. RESERVED\*\*

**Secs. 2-231—2-250. Reserved.**

DIVISION 8. RESERVED††

**Secs. 2-251—2-270. Reserved.**

\***Editor's note**—Ord. No. 2017-24, § 1, adopted Nov. 1, 2017, repealed Div. 4, § 2-141, which pertained to code and permitting advisory committee and derived from Ord. No. 2008-30, § 1, adopted Nov. 19, 2008.

†**Editor's note**—Ord. No. 2018-013, § 6, adopted May 16, 2018, repealed Div. 5, §§ 2-171—2-174, which pertained to human services advisory board and derived from Code 1980, §§ 2-14—2-17; and Ord. No. 2000-27, § 1, 10-3-2000.

‡**Editor's note**—Ord. No. 2018-015, § 2, adopted May 16, 2018, repealed Div. 6, §§ 2-201—2-204, which pertained to nuisance abatement board and derived from Ord. No. 2014-18, adopted May 21, 2014. Subsequently, § 3 of Ord. No. 2018-015 redesignated and amended former Div. 6 provisions as new Div. 3, §§ 2-121—2-124, as set out therein.

\*\***Editor's note**—Ord. No. 2018-013, § 7, adopted May 16, 2018, repealed Div. 7, §§ 2-231, 2-232, which pertained to planning and zoning board and derived from Ord. No. 84-18, 8-21-1984; Ord. No. 97-9, 6-17-1997; Ord. No. 2001-5, 5-1-2001; Ord. No. 2004-13, 6-1-2004; Ord. No. 2014-10, 4-2-2014; and Ord. No. 2015-03, 4-15-2015. Subsequently, Ord. No. 2018-013 redesignated and amended former Div. 7 provisions as new § 2-102 in Div. 2.

††**Editor's note**—Ord. No. 2018-013, § 9, adopted May 16, 2018, repealed Div. 8, §§ 2-251—2-253, which pertained to public transportation board and derived from Code 1980, §§ 2-29.1—2-29.3; and Ord. No. 2003-36, § 1, adopted Jan. 6, 2004. Subsequently, Ord. No. 2018-013 redesignated and amended former Div. 8 provisions as new § 2-104 in Div. 2.

DIVISION 9. RESERVED‡‡

**Secs. 2-271—2-290. Reserved.**

DIVISION 10. RESERVED\*\*\*

**Secs. 2-291—2-300. Reserved.**

DIVISION 11. RESERVED†††

**Secs. 2-301—2-320. Reserved.****ARTICLE IV. DEPARTMENTS**

DIVISION 1. GENERALLY

**Secs. 2-321—2-340. Reserved.**DIVISION 2. HUMAN SERVICES  
DEPARTMENT**Sec. 2-341. Established; director; purpose and functions.**

There is created a department to be named and known as the human services department. The head of such department shall be designated as the director. The purposes and functions of the human services department and the director

‡‡**Editor's note**—Ord. No. 2012-22, § 1, adopted Sept. 5, 2012, repealed Div. 9, § 2-271, which pertained to the creation, composition and duties of the records retention committee, and derived from Code 1980, § 2-75.

\*\*\***Editor's note**—Ord. No. 2018-013, § 8, adopted May 16, 2018, repealed Div. 10, §§ 2-291—2-293, which pertained to parks and recreation advisory board and derived from Code 1980, §§ 20-20—20-22; Ord. No. 2003-35, 1-6-2004; Ord. No. 2004-06, 4-7-2004; and Ord. No. 2014-04, 2-5-2014. Subsequently, Ord. No. 2018-013 redesignated and amended former Div. 10 provisions as new § 2-103 in Div. 2.

†††**Editor's note**—Ord. No. 2018-014, § 3, adopted May 16, 2018, repealed Div. 11, §§ 2-301—2-306, which pertained to historic preservation board and derived from Ord. No. 2005-6, § 1, adopted May 3, 2005. Subsequently, Ord. No. 2018-014 redesignated and amended former Div. 11 provisions as new § 2-105 in Div. 2.

# SUNSHINE LAW OVERVIEW



## **Q. What is the Sunshine Law?**

A. Provides right of access to governmental proceedings. Applies to any gathering whether formal or casual of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. Virtually all state and local collegial public bodies are covered by the open meetings requirements.

## **Q. What agencies are covered under the Sunshine Law?**

A. The Government-in-the-Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision." Thus, it applies to public collegial bodies within the state at both the local as well as state level. It applies equally to elected or appointed boards or commissions

## **Q. What are the requirements of the Sunshine Law?**

A. The Sunshine Law requires that:

1. meetings of boards or commissions must be open to the public;
2. reasonable notice of such meetings must be given, and
3. minutes of the meeting must be taken ([F.S. 286.011](#)).

## **Q. What qualifies as a meeting?**

A. Applies to all discussions or deliberations as well as the formal action taken by a board or commission. There is no requirement that a quorum be present for a meeting to be covered under the law.

## **Q. What is a public record?**

A. All materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge. They are not limited to traditional written documents. Tapes, photographs, films and sound recordings are also considered public records subject to inspection unless a statutory exemption exists.

For more information, please visit: [www.myflsunshine.com](http://www.myflsunshine.com)

Should you have specific questions concerning the Sunshine Law, please contact the City Clerk's Office at (954)457-1340.

## **BROWARD COUNTY CODE OF ETHICS**

In November 2011 the voters of Broward County voted to amend the County Charter to allow the Broward County Commission to promulgate an ethics code which would prevail over municipal ordinances regulating the conduct of elected officials, appointed officials, and public employees.

### **1. Who is covered.**

The Code of Ethics applies to all elected officials of the city; the city manager; city attorney; any person appointed to a quasi-judicial board, board or committee; any employee or member of a committee which is involved in the procurement process; and any head of a department which makes final recommendations to the final decision-making authority. So, in short just about everyone is covered by this new code of ethics.

### **2. Solicitation or Acceptance of Gifts.**

All covered persons are prohibited from accepting any gift directly or indirectly, regardless of value, from any lobbyist registered with the City or from any vendor or contractor of the City. The prohibition of solicitation or acceptance of a gift includes a loan, reward, promise of future employment, favor, or service, based on the understanding that the vote, official action, or judgment will be influenced.

When to do so is not in conflict with Florida Statutes Chapter 112, Part III, covered persons may accept gifts from non-lobbyist, vendors and contractors up to maximum value of \$50.00. This monetary value limitation does not apply to gifts given to the covered person in their personal capacity (from friends and family). However, elected officials still need to report the gifts over \$50.00 under Section 112.3148. This report must be filed by the last day of the calendar year. Section 112.3148 does list some gifts exempted from the reporting requirement, so always check first.

### **3. Outside/Concurrent Employment.**

There is a prohibition against an elected official being employed as a lobbyist or engaging in any lobbying activities before the Broward County Commission or any city commission/council in Broward County, including taxing authorities, quasi-judicial boards, appointed boards or commissions. This prohibition applies also to spouses, registered domestic partner, immediate family members, and office staff. Elected officials can engage in other employment which is consistent with their official duties or not inconsistent with Florida Statute Chapter 112. The elected official must disclose the employment and the remuneration annually on a form created by the County.

### **4. Disclosure of Financial Interest.**

No later than July 1 of each year local officers shall file a statement of financial interests. Contemporaneously with the annual filing of the Form 1 Statement of Financial Interests

with the State of Florida Commission of Ethics, the official shall file such form for public inspection.

## **5. Solicitation and Receipt of Contributions.**

### **A. Charitable Contribution Fundraising.**

An elected official is permitted to solicit funds for a non-profit organization so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation. The solicitation does have to be disclosed and available for public inspection. The elected official cannot utilize office staff in the solicitation. This does not apply to the solicitation on behalf of charities or fundraising events sponsored by the City.

A salary received by a municipal official from a non-profit charitable organization employing the official is not considered quid pro quo.

### **B. Campaign Contribution Fundraising.**

Elected officials who solicit campaign contributions for other candidates for public office shall disclose, the name of the candidate, the location and date of the event, the name and amount of the person contributing. Campaign or political contributions may not be made or accepted in any government-owned building.

## **6. Voting Conflict.**

No municipal public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained.

Such officer shall, prior to the vote being taken, publicly state the nature of the interest in the matter from which he or she is abstaining from voting within 15 days after the vote occurs, disclose the nature of the interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting. The memorandum shall become a part of the minutes.

## **7. Honest Services.**

An elected official may not engage in a scheme to deprive another of the material intangible right of honest services or engage in any activity in contravention of the duty to provide loyal service and honest governance for the residents of the City.



## **8. Training.**

Within 120 days after taking office, each newly elected official must complete 4 hours of training from the City Attorney on Sunshine Law, public records and public service ethics. Each elected official must annually attend 8 hours of continuing education on public service ethics. This must be certified with the chief administrative officer or clerk.

### **WARNING!!!!**

*Some provisions of the Broward County New Code of Ethics are more restrictive than Florida Statutes Chapter 112 and City Code, so if ever in doubt check the Broward County Code of Ethics first.*