

Conflicts of Interest for Officials and Employees

B.C.C. § 1-19 (Broward Code of Ethics for Elected Officials), B.C.C. § 26-731 et seq. (Code of Ethics for Employees), B.C.C. § 26-80, B.C. Charter § 2.05, and F.S. §§ 112.313, 112.3125, and 112.3143 (State Code of Ethics for Public Officers and Employees) specify how to handle different types of conflicts of interest.

This publication is intended only to summarize certain requirements for county and municipal public officials, procurement employees, and county employees, and does not serve as a legal opinion.

Citations to the Broward County Code of Ordinances and Florida Statutes are abbreviated herein as "B.C.C. §" and "F.S. §," respectively, followed by the section number.



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July 2018

Broward and Florida Codes of Ethics

Conflicts of Interest for Officials and Employees



Voting Conflicts

DUTY TO VOTE: If present, voting officers may not abstain in a non-quasi-judicial vote unless there is or appears to be a possible conflict of interest under state or local law. They must still follow the below procedures. F.S. § 286.012.

VOTING CONFLICTS: As a voting officer, you may not vote on a matter that would provide a “special private gain or loss” to you or (knowingly) to your principal, business associate, or relative. F.S. § 112.3143(3)(a). “Special private gain or loss” is an economic benefit or harm that would inure to a public officer or his or her relative, business associate, or principal (client or employer). If the measure affects a class including the officer, relative, associate, or principal, consider: class size, nature of interests, how much class members are affected, benefit or harm as compared to other class members, and certainty of benefit or harm. F.S. § 112.3143(1)(d). “Relative” in this context means parent, child, spouse, sibling, or father-, mother-, son-, or daughter-in-law. F.S. § 112.3143(1)(c).

Publicly state your interest prior to the vote, abstain from voting, and (within 15 days following the vote) disclose the nature of your interest on State Commission on Ethics (“CE”) Form 8B to the minutes secretary, who must incorporate the form into the minutes. F.S. § 112.3143(3)(a).

APPOINTED OFFICERS: As an appointive (vs. elected) officer, you may not participate (attempt to influence the decision) in a matter where you have a voting conflict, without disclosure first. F.S. § 112.3143(4). To participate as an appointive officer, you must disclose the nature of the interest in CE Form 8B prior to the meeting, make the form available to other members, and have the form publicly read at the meeting following its filing. F.S. § 112.3143(4)(a). If a conflict arises during a meeting or the disclosure hasn’t been previously made, verbally announce the conflict when it arises, and follow up with a CE Form 8B to the minutes secretary within 15 days. Immediately provide the memo to other members, and have it publicly read at the next meeting. F.S. § 112.3143(4)(b).

County commissioners may not participate in matters (and must leave the room during discussions) where they have actual voting conflicts. B.C. Charter § 2.05.E(1). County commissioners abstaining from voting due to an appearance of a conflict may remain on the dais and participate in the matter. B.C. Charter § 2.05.E(2).

Business and Other Conflicts

PER SE CONFLICTS: As a public officer or employee, you may not work for or contract with a business entity or agency that (1) is regulated by or doing business with your own agency, (2) would create a frequently recurring conflict between your private interests and your public duties, or (3) would impede the full and faithful discharge of your public duties. F.S. § 112.313(7)(a).

DOING BUSINESS WITH YOURSELF: Public officers and procurement employees may not, on behalf of their agency, purchase or lease from their own, their spouse’s, or their child’s business. Public officers and employees may not sell or lease from their own business to their own political subdivision. F.S. § 112.313(3).

COUNTY OFFICIALS AND EMPLOYEES: County employees may not participate in or seek to influence County business or matters where there is involvement by: an immediate family member, an entity owned by an immediate family member, or an immediate family member representing an entity as attorney, lobbyist, officer, or director. B.C.C. § 26-73(d). County officials and employees may not direct the engagement of specific firms, unless it is in compliance with the Procurement Code and established procurement procedures. B.C.C. § 26-80(c).

ELECTED OFFICIALS’ IMMEDIATE FAMILY: When permitted under state law, an elected official’s spouse, registered domestic partner, child, parent, or sibling may conduct business as a vendor or contractor to the official’s governmental entity only if the official files a form for public inspection attesting that the family member and official do not share a primary residence and that neither is listed as a dependent on the other’s most recent tax return. B.C.C. § 1-19(c)(2)c.

LOBBYING: Broward’s elected officials and their spouses, registered domestic partners, children, parents, and siblings may not be employed as lobbyists or engage in lobbying activities, as defined by the Broward Code of Ethics for Elected Officials. B.C.C. § 1-19(b)6., (b)7, (b)8., and (c)(2)c. See the OIG’s brochure titled, “Lobbyists and Lobbying” for definitions and more information about this particular type of conflict.

PROCUREMENT: Elected officials may not sit as voting members on any procurement selection committee of their own governmental entity, or participate in or interfere at such committees’ meetings. B.C.C. § 1-19(c)(6)a. This does not apply to strong mayors and municipal officials whose charters require such participation. B.C.C. § 1-19(c)(6)b.

DUAL ROLE: A public employee may not hold office on the governing board of his or her entity-employer. F.S. § 112.313(10). An elected officer or candidate may not accept public employment, promotion, or additional compensation if he or she should know it was offered because of his or her elected status or candidacy. There are additional restrictions on public employment offers and acceptance by elected officers and candidates. F.S. § 112.3125.

Some Exceptions

... to per se conflicts and doing business with your own agency prohibitions:

The officer or employee purchases in a private capacity at terms similar to those **available to the general public**. F.S. § 112.313(12)(i).

The officer or employee’s (or related person’s) business is:

- selected using a **rotation system** among all qualified suppliers to the political subdivision, F.S. § 112.313(12)(a);
- selected using a **sealed and competitive bidding** system to the lowest bidder (no participation or influence and with disclosure), F.S. § 112.313(12)(b);
- the **sole source of supply** within the political subdivision and there has been a prior full disclosure of the interest (on CE Form 4A), F.S. § 112.313(12)(e);
- for purchase or sale of **legal advertising, utilities, or common carrier** passage, F.S. § 112.313(12)(c);
- used to make an **emergency purchase or contract** for health, safety, or welfare of citizens. F.S. § 112.313(12)(d);
- used to make a total of **\$500 or less** in transactions in a calendar year. F.S. § 112.313(12)(f); or

Advisory Boards can waive F.S. §§ 112.313(3) and 112.313(7) conflicts if the member with the conflict makes a full disclosure (on CE Form 4A) and the appointing Board makes an affirmative 2/3 vote to waive the conflict. F.S. § 112.313(12).

... to voting and participation conflicts provisions:

A public officer may consider, discuss, and vote on matters affecting his or her **own salary**, expenses, or other compensation. F.S. § 112.313(5).

CRA commissioners and independent special tax district officers are not required to abstain in voting conflicts when voting in that capacity. F.S. § 112.3143(3)(b).

(A qualified **blind trust** may help a public officer avoid per se, voting, and participation conflicts. F.S. § 112.31425.)

