



HUMAN SERVICES DEPARTMENT

Substance Abuse Advisory Board

325 SW 28th Street • Fort Lauderdale, Florida 33315 • 954-357-4860

**Broward County Substance Abuse Advisory Board Meeting
Broward Addiction Recovery Center Division
June 24, 2026**

President

Kathy Hurt

Vice President

Garry Smyth

Secretary

Eleanor Nelson-Wernick

Treasurer

Allison Bruchwalski

Board Members

**Christopher Checke
Stephanie Jo Coberly
Diego Elias
Matthew Hatfield
Donald R. Karney III
Tonya Wesley Pile
Ray Rapaglia
Charles Resnick
Brittney Roy
Jonathan Sobleman
Judge Mark Speiser**

The purpose of the Board as noted in the Administrative Code Section 1-102, is to advise the Broward County Board of County Commissioners and the Broward County Addiction Recovery Center (BARC) on matters relating to alcoholism and drug abuse, and shall exercise and perform such other powers, duties and authority as may be established by the Broward County Administrative Code.

- I. Call to Order
Kathy Hurt, President
- II. Quorum Verification – Roll Call
Garry Smyth, Vice President
- III. Approval of Minutes – April 29, 2026
- IV. Review –
 - 1. Sunshine Law, Public Records & Ethics
 - 2. By Laws
- V. Division Report – Gerard John
- VI. Member’s Forum
 - 1. Frequency of Meetings
- VII. New Business
- VIII. Adjourn
 Next Quarterly Meeting – September 30, 2026
 Future 2027 Meeting Schedule
 - January 27, 2027
 - April 28, 2027
 - June 30, 2027
 - September 29, 2027

Presented by the
Office of the
Broward County
Attorney

SUNSHINE LAW, PUBLIC RECORDS & ETHICS FOR COUNTY BOARDS

TOPICS

Sunshine

Public Records

Ethics

- Gifts
- Conflicts of Interest
- Voting Conflicts
- Lobbying

Public Meetings

THE SUNSHINE LAW

FLORIDA'S SUNSHINE LAW

- Florida has one of the strongest public meetings laws in the country.
- The public has a right to attend meetings of government bodies where official actions are taken or public business is transacted or discussed.
- County boards are subject to the Sunshine Law.



SUNSHINE LAW MEETING REQUIREMENTS

01

The meeting must be open to the public.

02

Reasonable notice of the meeting must be given.

03

Minutes must be taken and promptly recorded.

SUNSHINE LAW
KEY POINT

Board members must not discuss
Board business outside of a
publicly noticed Board meeting
that is open to the public.

WHEN THE SUNSHINE LAW APPLIES

A meeting is *any* two-way communication, by any means, even indirectly.

It's still a meeting even if no vote is taken.

Meetings can be informal.

Even if there is no quorum present, the discussion is still considered a meeting.

If what is being discussed could foreseeably come before the board for action, the discussion must comply with the Sunshine Law.

CONSEQUENCES OF SUNSHINE LAW VIOLATIONS

Deprives the public of its right to know what government is doing and undermines the public trust.

Board actions taken in violation of the Sunshine Law can be invalidated.

Can subject the County to lawsuits and cost taxpayer money.

Violations are punishable by fines and even jail time.

SUNSHINE LAW VIOLATION?

Several board members use Google Docs to draft a report for their board to approve at the next meeting.

VIOLATION

Affordable Housing Advisory Committee members speak at a public forum about affordable housing hosted by a community group.

VIOLATION

SUNSHINE LAW & SOCIAL INTERACTION

By chance, two members of the same board see one another at the grocery store and talk about a close vote on a controversial issue at their last meeting. Sunshine violation?

Two members of the same board are at the same holiday party and talk about the great season the Miami Dolphins are having. Sunshine violation?

VIOLATION

Even though the vote took place in the past, it is foreseeable that the issue (or a similar one) could come before the board again.

NO VIOLATION

Board members can attend the same social events but should not discuss Board business outside the Sunshine.

AVOID LETTING CASUAL CONVERSATIONS BECOME SUNSHINE LAW VIOLATIONS

- A. Michelle, a member of the Advisory Board for Individuals with Disabilities (“ABID”), is at the store buying flashlights and batteries to prepare for an approaching hurricane. She runs into John, a fellow ABID member, at the store and says hello.
- B. During their conversation, John tells Michelle that he is buying hurricane supplies for neighbors who have disabilities and cannot shop for such supplies themselves.
- C. Michelle praises John for his thoughtfulness and suggests that at the next ABID meeting they bring up the issue of asking Broward County to provide hurricane supply kits for individuals with disabilities.

Sunshine Law violation? If yes, at which point, A, B, or C?

AVOID LETTING CASUAL CONVERSATIONS BECOME SUNSHINE LAW VIOLATIONS

- A. Michelle, a member of the Advisory Board for Individuals with Disabilities (“ABID”), is at the store buying flashlights and batteries to prepare for an approaching hurricane. She runs into John, a fellow ABID member, at the store and says hello.
- B. During their conversation, John tells Michelle that he is buying hurricane supplies for neighbors who have disabilities and cannot shop for such supplies themselves.
- C. Michelle praises John for his thoughtfulness and suggests that at the next ABID meeting they bring up the issue of asking Broward County to provide hurricane supply kits for individuals with disabilities.

When in doubt, wait for the meeting.

SUNSHINE LAW & SOCIAL MEDIA

Two members of a board belong to a Facebook group solely dedicated to knitting.

NO VIOLATION



Animal Care Advisory Board member “Likes” another member’s post about spay/neuter programs.

VIOLATION





Do not e-mail fellow board members about board business.



Do not ask your Board Coordinator or another person to pass along information to another board member about board business.



Do not use “Reply All” to respond to e-mails sent to all members of your board.



Board Coordinators should use “Blind Copy” when e-mailing all members of a board.

AVOID THESE SUNSHINE LAW MISTAKES

AVOID SIDE CONVERSATIONS DURING BOARD MEETINGS

Comments made at a board meeting aren't "in the Sunshine" unless everyone can hear them.

Even if a side conversation isn't about board matters, it appears suspect to the public and press.

The board members having the side conversation are either breaking the law or they aren't focused on the meeting.



SUNSHINE LAW WRAP-UP

- Complying with the Sunshine Law can sometimes be inconvenient.
- Given the public's right to know and potential consequences for Sunshine violations, it's always best to play it safe.
- The best approach is for board members to not discuss board-related topics outside a meeting that complies with the Sunshine Law.
- If Sunshine issues arise, please discuss with them with your Board Coordinator and Board Counsel as early as possible.

PUBLIC RECORDS



BOARD MEMBERS MUST FOLLOW FLORIDA PUBLIC RECORDS LAW

- As with Florida's public meetings law, its public records law is among the most comprehensive in the country.
- There is a presumption that all state and local government records are open for personal inspection and copying by any person.
- Exemptions can be adopted by state law, with a super-majority vote of the legislature.
- Violations of public records laws can lead to serious consequences.

WHAT ARE PUBLIC RECORDS?

Documents

Papers

Letters

Maps

Books

Tapes

Photographs

Films

Sound
Recordings

Software

Other material, regardless of the physical form, characteristics, or means of transmission made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency

PUBLIC RECORDS: BASICS FOR BOARD MEMBERS

Retain all records related to board matters.

When your board term is complete, give records in your possession to board staff.

You do not need to keep copies of agendas, reports, minutes, and other documents prepared by board staff – these will be maintained by staff.

Personal notes for your own recollection that are not shared with others are not public records and do not need to be retained.

If you have questions about which records must be retained, check with the Board Coordinator or Board Counsel.

KEEP E-MAILS ABOUT BOARD BUSINESS

- Any board-related e-mail you send or receive is likely a public record and it must be retained.
- Set up a separate e-mail account that you use only for board matters, if possible.
- If a separate e-mail account is not possible, use folders to keep County messages in a designated folder.
- The key to determining if something is a public record is the content of the message – not the account used to send it or the medium in which it exists.



SOCIAL MEDIA



Social media posts about board matters must also be maintained as public records.

The County uses software to retain such posts on official County social media accounts.

Individual board members who post on social media about County board matters must maintain their own records.

Failure to properly maintain records can result in lawsuits costing taxpayer money, fines, and even jail time for knowing violations.

WHAT TO DO IF YOU
RECEIVE A PUBLIC
RECORDS REQUEST



Immediately notify your Board Coordinator if you receive a Public Records Request.



The Board Coordinator will work with County staff and the County Attorney's Office to respond to the request.



Please do not provide records on your own to the requester without first checking with your Board Coordinator.



Public records may contain exempt or confidential information that must be redacted.



TEXT MESSAGES

Text messages about board matters are public records even if sent from a personal device.

Limit text messages to transitory messages. Examples of transitory messages include:

- Reminders about scheduled meetings or appointments
- Most telephone messages
- Announcements of board events

Text messages sent or received about board matters should be forwarded to the e-mail account you use for board business for retention.

Texting about board matters on personal devices can subject all your texts, even those about private matters, to court review if the County receives a request for your text messages.

Gifts
Conflicts of Interest
Voting Conflicts
Lobbying

ETHICS



County board members are subject to gift restrictions in both state law and the County Code of Ordinances.



Like other ethics laws, gift law analysis can be complicated and depends on the specific facts of each individual situation.



Please check with your Board Coordinator or Board Counsel with any gift questions.

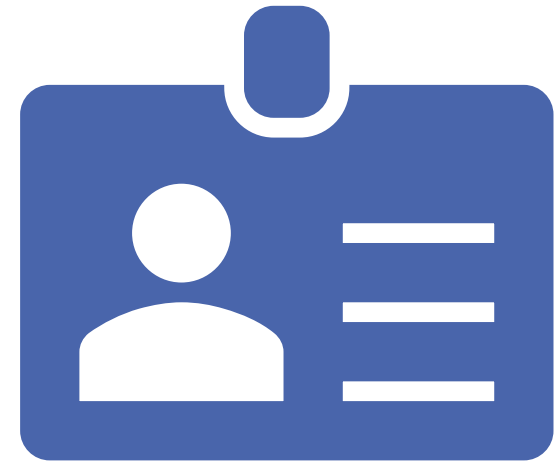
GIFTS

WHAT IS A GIFT?

Something received, directly or indirectly, that has **value**, for which the recipient does not give equal or greater consideration within 90 days.

KEY QUESTION
FOR GIFTS:

WHO IS THE DONOR?



BOARD MEMBERS MAY NOT ACCEPT GIFTS FROM THESE DONORS

Contractor

Any person or entity currently under contract with the County. Excludes governmental entities.

Vendor

Current and past (two years) suppliers of goods or services to the County, or entities that have responded to County procurement in the past two years.

Lobbyist

Generally, a person who is registered with the County as a lobbyist.

Principal of a lobbyist

Generally, a person, company, or organization that retains a lobbyist.

GIFTS FROM PROHIBITED DONORS

County board members shall not accept, directly or indirectly, anything of value from:

**Registered
lobbyists**

**A principal
or employer
of a lobbyist**

**Vendors or
Contractors**

GIFTS FROM NON-PROHIBITED DONORS

If the donor is not a County contractor, vendor, lobbyist, or principal of a lobbyist, County board members may accept:

Official
Capacity
Up to \$50

Personal
Capacity
No Limit*

* Those who file Financial Disclosures must report gifts above \$100.



How do you know if someone is a contractor, vendor, lobbyist, or principal/employer of a lobbyist?

***Check with your
Board Coordinator or
Board Counsel***

A pair of hands holding a wrapped gift box with a ribbon bow. The background is dark and slightly blurred.

NO QUID PRO QUO

No one may solicit or accept any gift that may be reasonably perceived to be given to encourage official action.

GIFT LAW CONSIDERATIONS



Except for quid pro quo, you can always accept a gift – the question is whether you will have to pay for it and/or disclose it.



Many factors can affect whether accepting a gift will lead to a reimbursement or reporting obligation.



Once you accept an item, you have 90 days to return it or pay for it if you are not legally allowed to accept the item from that donor.



For event tickets, check **BEFORE** going to the event. If you cannot accept the tickets from the donor, your only option is to pay for them.

CONFLICTS OF INTEREST

**DOING BUSINESS
WITH YOUR OWN
AGENCY IS
PROHIBITED**

Generally, board members, their families, and companies in which they have an ownership interest cannot do business with their agency.

For purely advisory boards, the agency is the County in general.

For boards with decision-making authority, the agency is the board.

Board members should check with their Board Coordinator or Board Counsel if they believe they may be affected by this prohibition.

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIPS

Generally, board members cannot have an employment or contractual relationship:

With a business or agency that is regulated by or is doing business with your agency, or

That will create continuing or frequently recurring conflict between your private interests and public duties.

CONFLICTING RELATIONSHIP DEFINITIONS

Agency

- Purely advisory boards = the County Commission
- Decision-making boards = the board itself

Doing Business

- A contract for goods or services or leasing, renting, or selling real estate
- Generally, does not include agreements between governmental entities (some exceptions)

Lawyers are presumed to have contractual relationships with all clients of their law firms.

Ask your Board Coordinator or Board Counsel if you think you may have a conflicting employment or contractual relationship.



Analyzing conflicting employment or contractual relationships is specific to each individual situation.



You may still serve on a board even if you have a conflicting employment or contractual relationship.



The conflicting relationship must be disclosed using Form 4A and the County Commission may waive the conflict with a 2/3 vote.



Other exemptions may apply, so please check with Board Counsel if you believe you might have a conflicting employment or contractual relationship.



Please notify your board coordinator and counsel if there is a change in your employment situation.

ANALYZING CONFLICTING RELATIONSHIPS

KEEP YOUR BOARD COORDINATOR INFORMED ABOUT YOUR JOB OR BUSINESS INTERESTS



Please make sure your Board Coordinator has your current employment information.



Tell your Board Coordinator if you start a new job or business or take on a new client.



Talk to your Board Coordinator or Board Counsel if your company or a family member seeks a contract with the County.



Ask Board Coordinator or Board Counsel whether a particular action is permissible.

“No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.”

MISUSE OF
POSITION IS
PROHIBITED

VOTING CONFLICTS

BOARD MEMBERS MUST NOT VOTE ON MATTERS WHICH
INURE TO THE “SPECIAL PRIVATE GAIN OR LOSS” OF:

Themselves

A principal by
whom they are
retained

Parent company
or subsidiary of
their principal

Their family
members

Their business
associates

VOTING CONFLICT DEFINITIONS

Principal By Whom Retained

- Employer
- Client
- Parent /subsidiary/sibling organization of one's client or employer

Family members

- Father/mother
- Son /daughter
- Brother/sister
- Father-in-law/mother-in-law
- Husband/wife
- Son-in-law/daughter-in-law

WHAT IS A BUSINESS ASSOCIATE?

- Any person or entity carrying on a business enterprise with a public officer, employee, or candidate.
- Includes partners, joint ventures, co-owners of property, or shareholders of stock (when shares are not publicly traded).
- Must be for commercial purposes.
- Example:
 - Friends who own a beach house and only use it themselves for recreation are not business associates
 - Same friends, same beach house, but they also rent it out to paying guests, they ARE business associates



SPECIAL PRIVATE GAIN OR LOSS

The gain or loss must be economic in nature.

Example 1

County Commissioners may vote on the property tax rates each year, even though it impacts them financially. It affects everybody, so it's not a special private gain or loss.

A “special private gain or loss” is different from matters affecting the general public or large classes of individuals.

Example 2

A County Commissioner most likely cannot vote on a land use plan amendment that affects their own property (unless their property was proportionally very small compared to the total property affected).

SPECIAL VOTING
CONFLICT LAW FOR
COUNTY BOARDS

Board members who are also employees of a public entities must not vote on items affecting their public employer. (An elected official is not considered an employee.)

Board members who serve as an officer or on the board of directors of a private entity must not vote on items affecting that private entity.

VOTING ABSTENTION PROCEDURE



Complete and submit voting conflict form to Board Coordinator before meeting if possible.



Board coordinator will distribute the form to board members as soon as possible.



The board member must announce the nature of the conflict at the meeting before the item is considered.



The board member abstains from voting on the item.



The board member submits voting conflict form within 15 days of the meeting (if not already submitted).



The conflict form must be incorporated into the minutes and read publicly at the next board meeting.

BOARD MEMBERS ARE OBLIGATED TO VOTE

If you are present at a meeting where an official decision or action will be taken, state law requires that you vote unless there is a possible conflict of interest.

If you have an actual voting conflict, you **must** abstain from voting.

If you have an apparent conflict, you **may** abstain from voting.



HOW TO KNOW IF YOU HAVE A VOTING CONFLICT



Voting conflicts depend on the facts of each individual situation.



Please Board Coordinator or Board Counsel as soon as you are aware of the potential conflict.



Please keep us updated on your employment, business, and nonprofit affiliations.

LOBBYING



LOBBYING

- Board members are prohibited from **lobbying for compensation** the county staff who provide support services to their board while they serve on the board and for two years after leaving the board.
- Violations can lead to removal from the board and fines.
- Analysis of this issue is specific to individual situations.
- Please check with your Board Coordinator or Board Counsel with questions about lobbying.



QUESTIONS?

**BROWARD COUNTY
SUBSTANCE ABUSE ADVISORY BOARD**

ARTICLE I - NAME

The Substance Abuse Advisory Board is established pursuant to Ordinance No.77-61, § 1, 10-12-77.

ARTICLE II - MEMBERSHIP AND TERM OF OFFICE

Section 1. The Substance Abuse Advisory Board shall consist of eighteen (18) members to be appointed by the Broward County Board of County Commissioners and one member appointed by the Police Chief's Association.

Section 2. The appointed members shall serve at the pleasure of the nominating Commissioner or until the nominating Commissioner vacates office.

The appointed members shall serve at the pleasure of the nominating Commissioner, provided, however, that no such term of an appointed member shall expire until a successor to the member has been appointed.

Section 3. Whenever a vacancy of an approved or appointed position occurs, the President shall advise the County Commissioners. The respective nominating Commissioner shall appoint an individual to fill the vacancy.

ARTICLE III - ORGANIZATION OF THE BOARD AND VACANCIES

Section 1. The officers of the Board shall be a President, Vice President, Secretary and Treasurer. These officers shall perform the duties prescribed by these bylaws.

Section 2. At the annual Board meeting in each April of even years, the Board shall elect a President, Vice President, Secretary and Treasurer to serve for a period of two years. Elections shall be by nomination and vote. If a vacancy should occur in one of these offices, the Board shall proceed to elect a member to fill such vacancy at the next ensuing regular or special meeting.

Section 3. No member shall hold more than one office at a time.

Section 4. Duties of Officers

1. The President shall:
 - a. Preside at all meetings of the Board.
 - b. Perform all of the duties usually pertaining to the office of the President.
2. The Vice President shall:
 - a. Preside at all meetings of the Board in the absence of the President.
 - b. Perform all such duties usually pertaining to the office of the Vice President.
3. The Secretary shall:

**BROWARD COUNTY
SUBSTANCE ABUSE ADVISORY BOARD**

- a. Preside at all meetings of the Board in the absence of the President and Vice President.
- b. Perform all such duties usually pertaining to the office of the Secretary.
- 4. The Treasurer shall:
 - a. Preside at all meetings of the Board in the absence of the President, Vice President and Secretary.
 - b. Perform all such duties usually pertaining to the office of the Treasurer.

ARTICLE IV - MEETINGS

Section 1. Regular Meetings

The Board shall generally hold not more than one regular meeting each quarter for the transaction of business according to a schedule arranged by the Board. The annual meeting, at which officers shall be elected, shall be held in April each even year. Written notice of regular meetings of the Board shall be given to each member at least ten (10) days prior to each meeting, accompanied by a tentative agenda for said meeting. When necessary, an updated agenda will be provided at least forty-eight hours before the meeting.

Regular meetings may include workshop meetings. Meetings may only be canceled or rescheduled by majority vote of the Board members present at a regularly scheduled meeting unless the President is notified between regularly scheduled meetings that a quorum will not be available for the next regularly scheduled meeting. Such meeting may then be canceled or rescheduled by a majority vote of the Board members. All Board members shall be notified of such cancellation or rescheduling with as much notice as possible, but in no event shall such notice be less than that given for special meetings.

Section 2. Special Meetings

The Board shall convene in special meetings when called by the President, the Vice President in the President's absence, or upon request of a majority of the members of the Board. Not less than forty-eight hours' notice shall be given to all members of the Board, accompanied by an agenda specifying the subjects of the special meeting. Official action of the Board in special session will be limited to those items of business specified on the agenda. The President shall determine the time, place, and date of the special meeting. The minutes of the meeting shall show the manner and method by which notice of the meeting was given to each member or shall show a waiver of notice.

Section 3.

All meetings, including committee meetings, shall be in accordance with the Florida Sunshine Law.

**BROWARD COUNTY
SUBSTANCE ABUSE ADVISORY BOARD**

Section 4.

Minutes of all Board meetings shall be recorded and approved by majority vote at the next scheduled meeting.

Section 5.

A quorum for a Board meeting shall consist of a simple majority of the Board members.

ARTICLE V - VOTING

Section 1.

Each member of the Substance Abuse Advisory Board shall have the right to vote and shall be entitled to one (1) vote on any issue brought to the Board's attention for a final decision. Majority vote by the attending members will be mandatory for adoption of motion and resolution.

Section 2.

Each member shall have one vote which may only be exercised by the member and not by proxy.

ARTICLE VI - COMMITTEES

Section 1.

The Board President shall appoint each committee chairperson.

Section 2.

Each committee shall consist of the committee President and as many members as may be necessary to conduct the business of the committee.

Section 3.

The President shall have the authority to appoint ad hoc committees as shall be necessary for the conduct of the business of the Board.

Section 4.

The Board may consult with such advisors and experts as it deems necessary and appropriate for carrying out its duties and responsibilities.

**BROWARD COUNTY
SUBSTANCE ABUSE ADVISORY BOARD**

ARTICLE VII - ATTENDANCE

Section 1.

Attendance at the Board meeting is governed by Broward County Code Ordinance Chapter 1, Article XII Boards, Authorities and Agencies Generally, Sec. 1-233.

Removal based on Attendance

1. Board meetings on a quarterly or less frequent basis: Members will be removed after two (2) consecutive unexcused absences or missing two (2) properly noticed meetings in one (1) calendar year.
2. Board meetings more frequently than quarterly: Members will be removed after three (3) consecutive unexcused absences or missing for (4) properly noticed meetings in one (1) calendar year.

Excused Absences

Require written notice to the chair of the board prior to the meeting (when practicable). The chair of the board shall determine whether the absence meets the criteria for an excused absence. Members may be excused ONLY for the following reasons:

1. Member performing an authorized alternative activity relating to outside advisory board business that directly conflicts with the properly noticed meeting;
2. Death of an immediate family member (spouse, father, mother, stepparent, in loco parentis, child, or stepchild domiciled in member's household);
3. Death of member's domestic partner;
4. Member's hospitalization;
5. Member summoned for jury duty; or
6. Member is issued a subpoena by a court of competent jurisdiction.

Non-excused absences

1. Out of town business.
 2. Doing business or attending a meeting for member's company.
 3. Attending another meeting as an elected official.
 4. Car problems.
3. If an appointee is automatically removed under this subsection for violating the attendance requirements, the appointing/nominating Commissioner or other appointing/nominating authority may reappoint the appointee when extenuating circumstances, as determined by the appointing/nominating authority, are found to exist for the appointee's absences.

ARTICLE VIII - GENERAL PURPOSE OF THE BOARD

**BROWARD COUNTY
SUBSTANCE ABUSE ADVISORY BOARD**

The purpose of the Board as noted in the Administrative Code Section 1-102, is to advise the Broward County Board of County Commissioners and the Broward County Alcohol and Drug Abuse Services Division on matters relating to alcoholism and drug abuse, and shall exercise and perform such other powers, duties and authority as may be established by the Broward County Administrative Code.