

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
**WORKSHOP**

February 21, 2017

1:00 PM

Brevard County Government Center, Florida Room, Building C  
2725 Judge Fran Jamieson Way, Viera, Florida

**I. Staff Presentation**

- A. Public Comment
- B. Board Discussion

**II. Board Ethics Proposals**

- A. Public Comment
- B. Board Discussion

**III. Other Business**

**IV. Reports**

- A. Stockton Whitten, County Manager
- B. Scott Knox, County Attorney
- C. Rita Pritchett, District 1 Commissioner, Vice-Chairman
- D. Jim Barfield, District 2 Commissioner
- E. John Tobia, District 3 Commissioner
- F. Kristine Isnardi, District 5 Commissioner
- G. Curt Smith, District 4 Commissioner, Chairman

**V. Adjournment**

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010. Assisted listening system receivers are available for the hearing impaired and can be obtained from the Sound Technician at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONES REMAIN OFF while the County Commission is in session. Thank you. This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks Cable Channel 499, **Comcast (North Brevard) Channel 51, and Comcast (South Brevard) Channel 13**, on the internet at [www.brevardcounty.us](http://www.brevardcounty.us). SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.scgtv.org>. The Advanced Agenda may be viewed at: [www.brevardclerk.us](http://www.brevardclerk.us)

In accordance with Resolution 2014-219 Section VIII (8.1) The agenda shall provide a section for public comment limited to thirty (30) minutes following approval of the consent agenda during each regular County Commission meeting. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. During this thirty (30) minute segment of public comment, speakers will be heard in the order in which they turned in a speaker card asking to be heard. Any speaker not heard during the first thirty (30) minute segment will be heard during a second public comment segment held at the conclusion of the business specified on the regular Commission agenda. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda.



# **Board of County Commissioners**

## **Ethics Workshop**

**February 21, 2017**



# Reasons to Enhance Ethics Guidance and Training

- Proactive Initiative
- Increase awareness and sensitivity
- Foster greater transparency
- Enhance public's trust



# Florida's Public Sector Lapses

- 2012 study by ethics watchdog “Integrity Florida” ranks Florida No. 1 in government corruption
  - 2013 Sarasota County – credit card abuse scandal
  - 2014 Deerfield Mayor accused of misuse of position
  - 2015 Delray Beach City Employees gave City contracts to their own personal businesses
- 
- Other surrounding local gov't experiences



# Current Ethics Laws, Rules, & Regulations Applicable to Brevard County Commissioners Employees

- Florida Code of Ethics, F.S. Sections 112.311 – 112.326
- Brevard County Code 82–15
- Conflict of Interest Policy BCC–03
- Merit System Policy & Procedure VI
- County Code of Ethics and Business Conduct Booklet



# Our Organization Focus on Ethics Training/Initiatives

- New Employee Orientation
- Interactive Ethics Training – 3 hours (Mandatory)  
Employee Development Program
- Executive Leadership Program – Ethics Component
- Employee Engagement Survey
- *Coming Soon – On Line Refresher Ethics Training for All Employees*



# **TOUGH CHOICES**

## **Florida Counties Bridge The Ethics Policy Gap**

**Report from the Leroy Collins Institute  
at Florida State University  
November 2012**



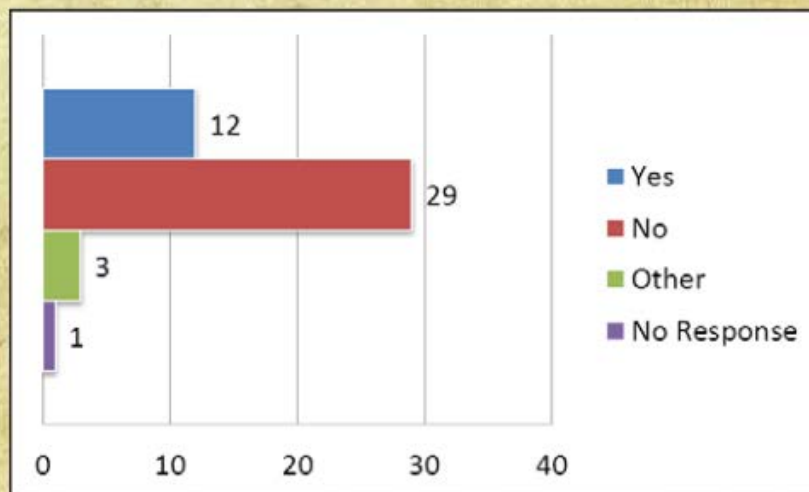


**Data from report based on a survey of counties in the fall of 2012.**

**45 of Florida's 67 counties, including Brevard, participated in the survey.**



*Figure 1: Has your county adopted an ethics code that is different from the state ethics code contained in Chapter 112 of state law?*



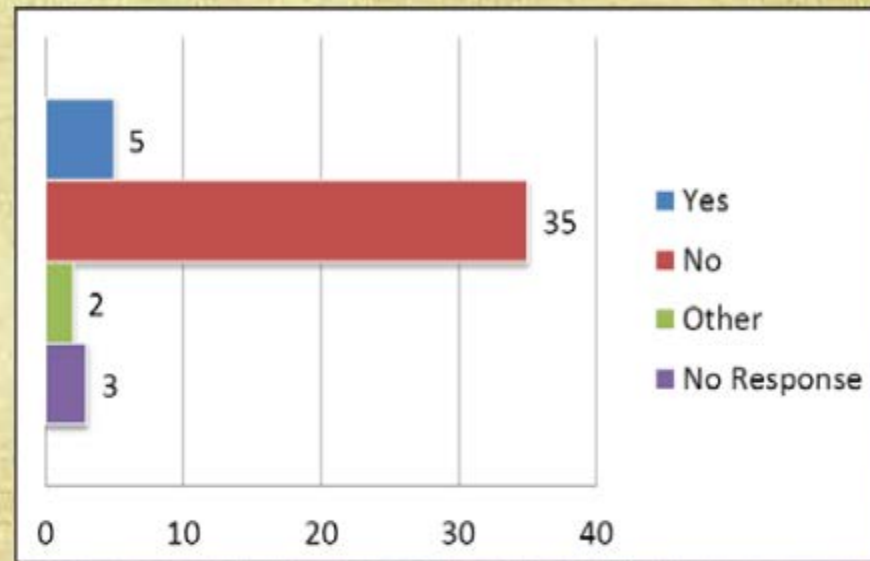
*Figure 1*

**Yes Counties:** Broward, Clay, Duval, Escambia, Indian River, Lake, Miami-Dade, Orange, Palm Beach, Sarasota, Seminole and St. Johns

While Chapter 112 contains state laws regarding voting conflicts for local and state officials, five counties have adopted even stronger local ordinances regarding voting conflicts (See Figure 2).

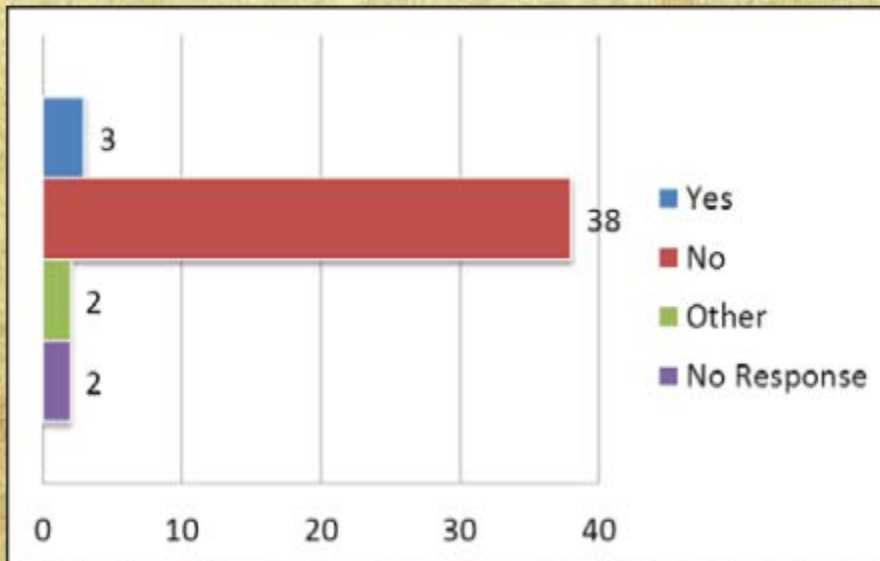
*Figure 2: Has your county adopted an ordinance regarding voting conflicts for elected officials?*

*Yes Counties: Hillsborough, Liberty, Miami-Dade, Orange and Seminole*



*Figure 2*

Figure 3: Does your county have its own Ethics Commission?



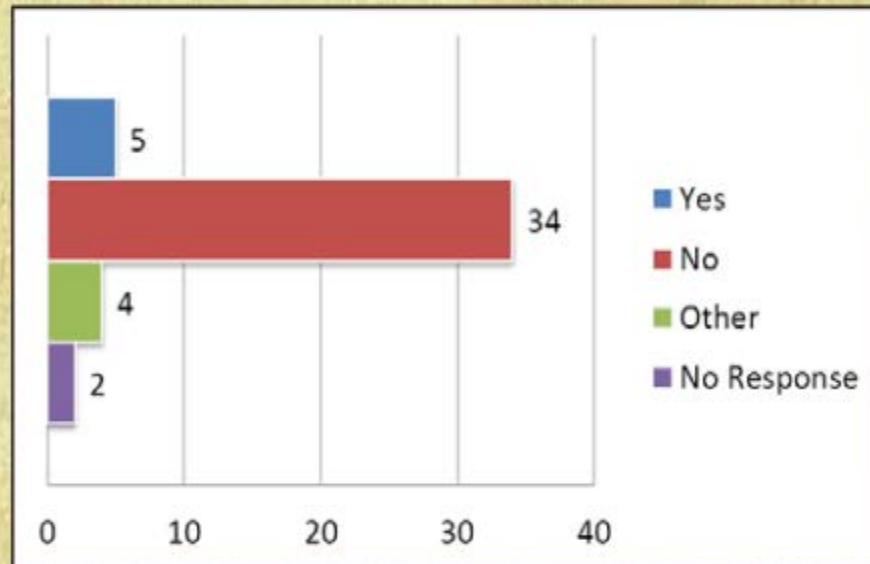
*Yes Counties: Duval, Miami-Dade and Palm Beach*

Figure 3



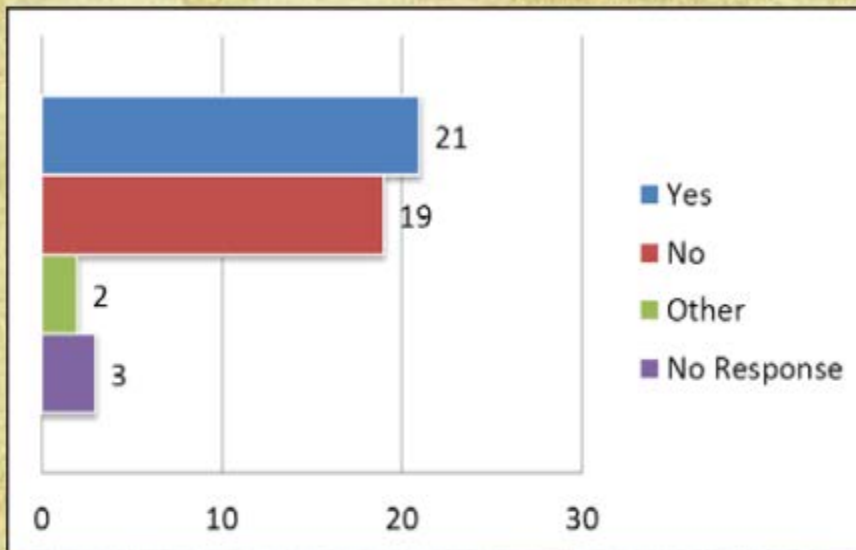
*Figure 4: Does your county have its own independent inspector general?*

*Yes Counties: Broward, Miami-Dade, Palm Beach, Pinellas and St. Johns*



*Figure 4*

Figure 5: Does your county have a designated point person for ethics issues?



**Yes Counties:** Broward, Charlotte, DeSoto, Duval, Escambia, Hardee, Hendry, Hillsborough, Leon, Manatee, Marion, Miami-Dade, Okaloosa, Okeechobee, Orange, Pinellas, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

Figure 5

*Figure 6: Does your county offer ethics training for elected county officials?*

**Yes Counties:** Bay, Bradford, Broward, Charlotte, Duval, Escambia, Hendry, Lake, Leon, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Okaloosa, Okeechobee, Orange, Palm Beach, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

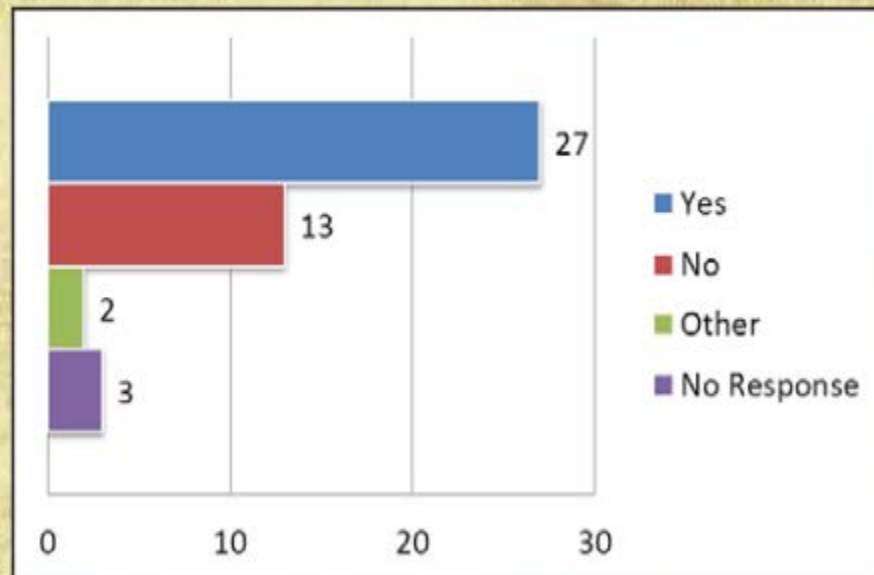


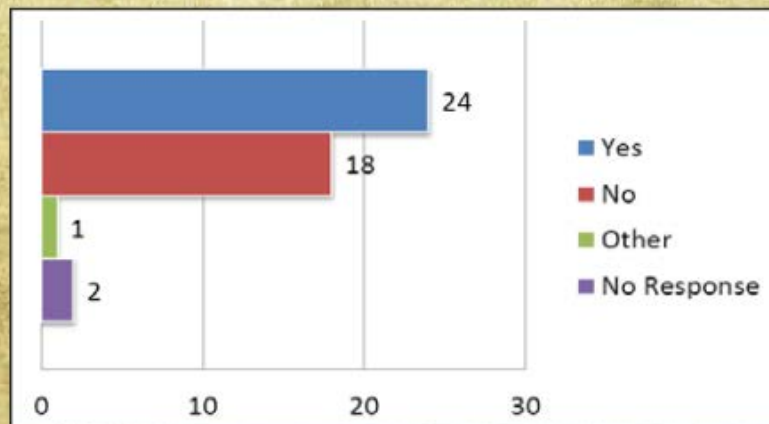
Figure 6



■ **Lobbying Disclosure and Campaign Finance**

The third most cited local government policy topic in the survey responses was restrictions on lobbyist gifts to county officials. More than half of the responding counties (24) had such restrictions (See Figure 7).

*Figure 7: Has your county adopted restrictions on gifts from lobbyists to county commissioners and county employees?*



**Yes Counties:** Bradford, Brevard, Broward, Clay, Duval, Hardee, Hendry, Hernando, Hillsborough, Indian River, Lake, Manatee, Marion, Martin, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, St. Lucie and Taylor

Figure 7



Figure 8: Does your county require lobbyists and their principals to register?

**Yes Counties:** Broward, Duval, Hillsborough, Lake, Leon, Miami-Dade, Orange, Palm Beach, Pinellas and St. Lucie

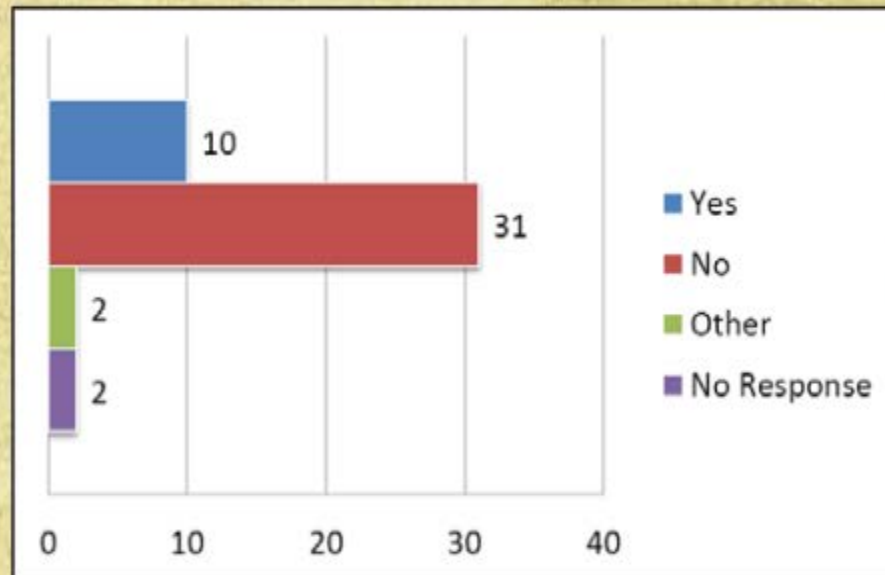
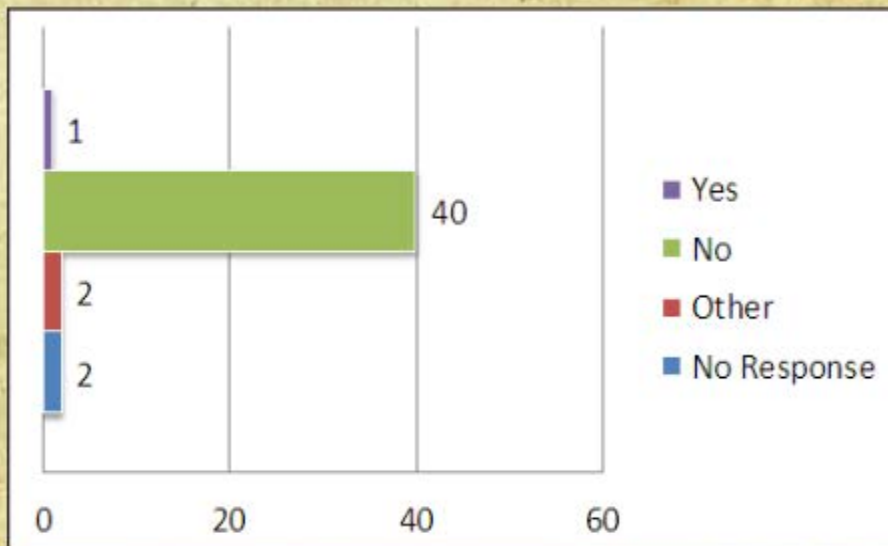


Figure 8

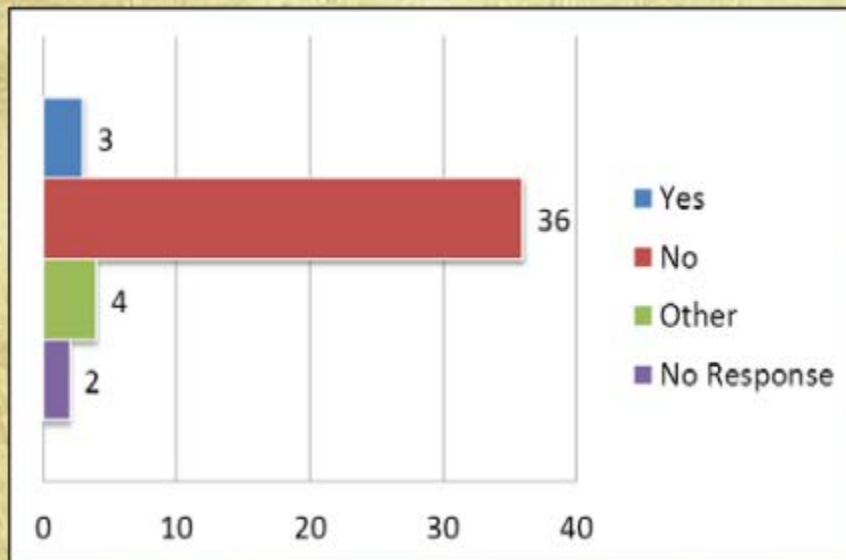
Figure 9: Does your county require lobbyists to report their compensation?



Yes Counties: Leon

Figure 9

*Figure 10: Has your county adopted any ordinance regulating the financing of county campaigns?*



*Yes Counties: Broward, Miami-Dade and Sarasota*

*Figure 10*



*Figure 11: Has your county adopted any ordinance regulating procurement practices such as a "cone of silence" during bidding?*

**Yes Counties:** Bay, Bradford, Broward, Charlotte, Clay, DeSoto, Dixie, Escambia, Hillsborough, Indian River, Leon, Manatee, Marion, Martin, Miami-Dade, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, Sumter and Walton

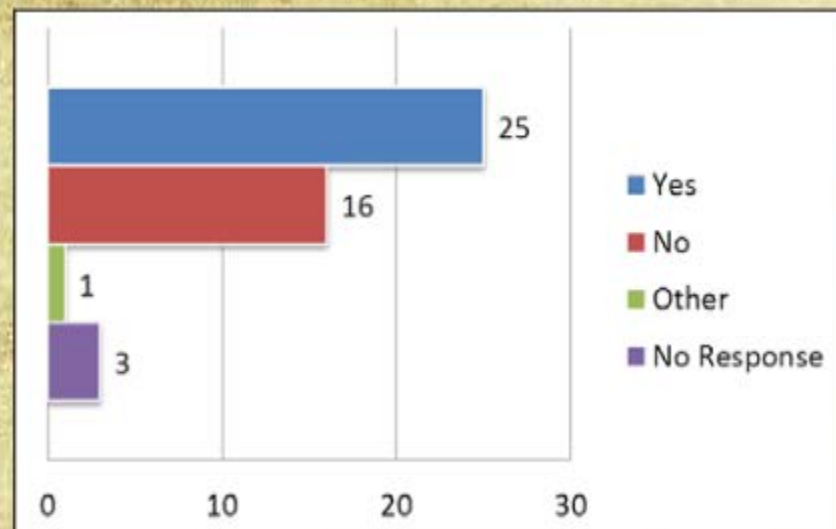


Figure 11



## Recommendations Implemented

The following actions were taken as a result of the Board's August 2013 Workshop:

- BCC-03 was updated and approved by the Board in January 2014 to identify and reference County related ethics provisions in a single document.
- The updated BCC-03 formally designated the County Attorney to act as County Ethics Officer advising and counseling Board members and staff on ethics issues.



## Recommendations Implemented

- Provide ongoing ethics training for operational staff under the County Manager's control:
  - 10–12 Interactive Ethics classes scheduled per year
  - Additional ethics training conducted annually for County Manager's senior leadership team – Most recently held 8/20/16 (Expanded Directors Mtg)
  - Development of an on-line ethics refresher course.

|                          |
|--------------------------|
| Meeting Date             |
| <b>February 21, 2017</b> |



| AGENDA   |                       |
|----------|-----------------------|
| Section  | Board Ethics Proposal |
| Item No. | II                    |

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

|              |                              |
|--------------|------------------------------|
| SUBJECT:     | OPEN ACCESS TO GOVERNMENT    |
| DEPT/OFFICE: | DISTRICT 2 COMMISSION OFFICE |

Requested Action:

It is requested that the Board of County Commissioners in any Ethics Ordinances adopted by the board must include a requirement that a Commissioners office be located within the legal boundaries of their Commission District to comply with the Board's adopted vision/values of accountability and openness.

Summary Explanation & Background:

On a typical day constituents want to discuss issues with their Commissioner on a variety of issues. Daily, a Commissioner speaks with citizens about what they want, a particular vote they want on an issue, a complaint about taxes, a problem with a sidewalk or a street light, are just a few things that commissioners address daily. To effectively carry out those communications a Commissioner will schedule numerous meetings at their office in their District with constituents, attending District specific community functions such as neighborhood meetings, business openings, social and club meetings, and many citizen board meetings.

It is imperative Commissioners work in the District they were elected and not give the appearance that the Commissioner is avoiding the day to day interactions with the Constituents who elected us. It is important to citizens that want to be involved and have an expectation of full access within a reasonable distance and an open door policy to their elected official.

An effective County Commissioner should want to be closest to the people who elected them. It offers full transparency and accountability to the citizens in the District that we were elected to serve. Constituents need convenient access to their District Commissioner.

The requirement is effective immediately.

Clerk to the Board Instructions:

Exhibits Attached:

|   |                          |                                    |     |                                     |    |                                 |    |                          |
|---|--------------------------|------------------------------------|-----|-------------------------------------|----|---------------------------------|----|--------------------------|
| <b>Contract /Agreement (If attached):</b>     |                          | <b>Reviewed by County Attorney</b> | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>        | PR | <input type="checkbox"/> |
| County Manager                                | Assistant County Manager |                                    |     |                                     |    | Department Director / Extension |    |                          |
| Commission Office<br>Jim Barfield, District 2 |                          |                                    |     |                                     |    |                                 |    |                          |





| AGENDA   |                       |
|----------|-----------------------|
| Section  | Board Ethics Proposal |
| Item No. | II                    |

|                   |
|-------------------|
| Meeting Date      |
| February 21, 2017 |

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

|              |                                    |
|--------------|------------------------------------|
| SUBJECT:     | County Commissioners Travel BCC-29 |
| DEPT/OFFICE: | District 1 Commission Office       |

**Requested Action:**  
It is requested the Board of County Commissioners approve amendment to BCC-29 Travel Policy.

**Summary Explanation & Background:**  
  
Board of County Commissioners out of state travel must be approved in advance by a majority vote of the County Commission.

Clerk to the Board instruction:

Exhibits Attached:

**Contract /Agreement (If attached):** Reviewed by County Attorney    Yes     No     PR

|   |                          |                                 |
|---|--------------------------|---------------------------------|
| County Manager                                    | Deputy County Manager    | Department Director / Extension |
| Rita Pritchett, District 1<br>County Commissioner | Assistant County Manager |                                 |



**BOARD OF COUNTY COMMISSIONERS**

# POLICY

**TITLE: TRAVEL**

**NUMBER: BCC-29**  
**CANCELS 09/16/2014**  
**APPROVED: 02/21/2017**  
**ORIGINATOR: County Manager**  
**REVIEW: 02/21/2020**

## I. OBJECTIVE

To prescribe Board policy for the reimbursement of authorized travelers' expenses incurred during the performance of their official duties.

## II. DEFINITIONS AND REFERENCES

A. Section 112.061, Florida Statutes - Per diem and traveling expenses of public officers, employees, and authorized persons.

B. Administrative Order AO-21, Travel

## III. DIRECTIVES

A. Travel reimbursement criteria shall be in accordance with Section 112.061, Florida Statutes.

B. Monthly allowances for travel in fixed amounts must be approved by the Board of County Commissioners.

C. Board of County Commissioners out of state travel must be approved in advance by a majority of vote of the County Commission. Travel guidelines outlined in AO-21 also apply to the Board of County Commissioners.

## IV. RESERVATION OF AUTHORITY

The authority to issue or revise this Policy is reserved to the Board of County Commissioners.

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Curt Smith, Chairman  
Brevard County, Florida  
Board of County Commissioners



| AGENDA   |                       |
|----------|-----------------------|
| Section  | Board Ethics Proposal |
| Item No. | II                    |

|                          |
|--------------------------|
| Meeting Date             |
| <b>February 21, 2017</b> |

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

|              |   |
|--------------|---|
| SUBJECT:     | Request to advertise public hearing on Ordinance relating to lobbyist registration. |
| DEPT/OFFICE: | District 1 Commission Office  |

Requested Action:  
 It is requested that the Board of County Commissioners authorize the County Manager's office to advertise a public hearing, to be held on the February 21, 2017 board meeting, on the attached ordinance relating to lobbyists registration. The ordinance specifically sets forth standards and conditions regarding registration of

Summary Explanation & Background:

Legislative Intent

The purpose of the ordinance is to set forth standards and conditions regarding he required registration of lobbyists engaging in lobbying activities with County officers and employees. The ordinance provides definitions and a process to track lobbyists registration. In addition, the ordinance provides for the impact and effect on government action if a lobbyist fails to comply with the ordinance. The ordinance also provides penalties for violations of the ordinance.

Fiscal Impact: N/A at this time.

Clerk to the Board Instructions:

Exhibits Attached:

|   |                                    |     |                          |    |                          |    |                          |
|---|------------------------------------|-----|--------------------------|----|--------------------------|----|--------------------------|
| <b>Contract /Agreement (If attached):</b> | <b>Reviewed by County Attorney</b> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | PR | <input type="checkbox"/> |
|---|------------------------------------|-----|--------------------------|----|--------------------------|----|--------------------------|

|                  |                          |   |
|------------------|--------------------------|---|
| County Manager   | Assistant County Manager | Department Director / Extension<br>Commissioner, District 1 |
| Stockton Whitten | Assistant County Manager |   |

**ORDINANCE NO. 2017-\_\_\_\_**

**AN ORDINANCE OF BREVARD COUNTY, FLORIDA RELATING TO LOBBYING; CREATING A NEW CHAPTER IN THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 72, “LOBBYING”; PROVIDING FOR THE REGISTRATION OF LOBBYISTS; PROVIDING DEFINITIONS; CREATING A REGISTRATION PROCESS FOR LOBBYISTS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida;**

**Section 1. Creation, Findings and Intent.** Chapter 72 of the Brevard County Code of Ordinances is hereby created. The Board of County Commissioners of Brevard County, Florida, hereinafter referred to as the “Board,” hereby determines and declares the operation of responsible government is to work for the benefit of the citizens of Brevard County, hereinafter referred to as the “County.” In order to preserve and maintain the integrity of the governmental decision-making process, the Board finds it appropriate to require public registration and disclosure of the identity of certain persons and entities engaging in, or attempting to engage in, efforts to influence government action. The intent of the Board in adopting this Ordinance is to protect citizens’ rights guaranteed by the First Amendment to the United States Constitution to speak, publish, and petition governmental officials, while at the same time protecting citizens’ rights to open government as guaranteed by Article I, Sec. 24 of the Florida Constitution. In balancing the important yet competing rights of its citizens protected by both the Federal and State Constitutions, and to promote transparency and honesty in government, the Board finds it necessary to require disclosure of certain activities related to lobbying as more fully set forth herein.

**Section 2. Construction.** This Ordinance shall be broadly construed to affect its purpose of preserving transparent and ethical government for the benefit of all citizens of the County.

**Section 3. Authority.** Pursuant to Art. VIII, Section 1 of the Florida Constitution; Chapter 125, Florida Statutes; and Section 112.3148(2)(b), Florida Statutes, the Board is authorized to establish by ordinance a registration process for lobbyists. The Board finds that the registration process within this Ordinance fosters open government and serves to promote and protect governmental integrity.

**Section 4. Definitions.** As used in this Ordinance, unless the context otherwise requires:

*Board or County Commission* means the Board of County Commissioners of Brevard County, Florida as well as the governing body, collegial board, or board of directors of any other decision-making board, advisory board, or advisory committee.

*County* means Brevard County, Florida.

*Government action* means any legislative, quasi-judicial, or administrative matter that may foreseeably be considered and acted upon by a decision-making or advisory board, but shall not include an action which is ministerial in nature.

*Lobby* means to conduct activities aimed at influencing public officials and especially members of a legislative body on legislation.

*Lobbying firm* means a business entity, including any entity consisting of an individual lobbyist that receives, agrees to receive or is entitled to receive any compensation for the primary purpose of lobbying, whether through a partner, owner, officer, or employee of the business.

*Lobbyist* means any person which receives compensation from a person for primary purpose to lobby. “

*Person* means any natural person or any sole proprietor, corporation, partnership, limited liability company, joint venture, trust, or other legal entity in whatever form it has been created or named.

*Principal* means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

*Registration statement* means a document maintained on the County website for the purposes of lobbyist registration containing:

- (1) the lobbyist’s name, phone number, mailing address, and email address;
- (2) the name, phone number, and address of each principal represented;
- (3) the date of submission and expiration date;
- (4) an oath or affirmation attesting that the information contained in the registration statement is true to the best of the lobbyist’s knowledge and belief.

#### **Section 5. Registration of Lobbyists.**

- (a) Prior to engaging in lobbying, a lobbyist shall fill out the registration statement maintained on the Brevard County website in the form of a written declaration conforming with Section 92.525, Florida Statutes, a copy of which form is incorporated into this Ordinance as Form A(1). In order to continue lobbying activities in any succeeding years, such registration statement must be renewed within 30 days prior to the expiration date of the

registration. Hard copies of registration statement forms may also be provided by the County Manager, or his/her designee, to any lobbyist requesting the same, provided the completed form is maintained as a PDF document on the County's website.

- (b) *Expiration of Registration Statement.* Registration statements are effective for one year.
- (c) *Registration Fee.* No registration fee is required.

**Section 6. Penalties.**

- (a) A first violation of failure to register by outline of this Ordinance shall result in the issuance of a warning to the lobbyist by the County Manager's Office.
- (b) A second violation shall be punishable by a fine imposed on the lobbyist in the amount of \$250.00. There will be a \$250.00 fine for each violation thereafter.

**Section 7. Conflict.** Unless preempted by state or federal law, and to the extent that the provisions of this Ordinance are more stringent than those of State law, this Ordinance shall apply. In the case of a direct conflict between any provision of this Ordinance and a provision of any Federal, State, or County law, rule, or regulation, the more restrictive shall apply.

**Section 8. Inclusion in Code.** It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances; and that the sections of this chapter may be renumbered or re-lettered and that the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 9. Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 10. Effective Date.** This Ordinance shall become effective upon filing with the Office of Secretary of State of Florida.

**DONE, ORDERED, AND ADOPTED** in Regular Session, this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
By: Scott Ellis, Clerk of Court

\_\_\_\_\_  
By: Curt Smith, Chairman  
(as approved by the Board on \_\_\_\_\_)



BOARD OF COUNTY COMMISSIONERS

FORM A(1)

**ANNUAL LOBBYIST REGISTRATION STATEMENT**

FOR THE PERIOD OCTOBER 1, \_\_\_\_\_ THRU SEPTEMBER 30, \_\_\_\_\_

LOBBYIST NAME \_\_\_\_\_ DATE \_\_\_\_\_  
PHONE NUMBER \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_

LIST THE NAME, PHONE NUMBER, AND ADDRESS OF EACH PRINCIPAL REPRESENTED.

- 1) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_
- 2) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_
- 3) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_
- 4) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_
- 5) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_
- 6) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_
- 7) NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF BREVARD

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing information and that the facts stated in it are true to the best of my knowledge and belief. I further certify and acknowledge that I understand that it is my responsibility to file my annual statements and that I will not be notified by the County Manager's Office of my failure to do so.

DATED this \_\_\_\_\_ day of \_\_\_\_\_  
Lobbyist signature \_\_\_\_\_

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_

My commission expires: \_\_\_\_\_  
Notary Public \_\_\_\_\_