



Annual Report 2023



Honesty - Integrity - Character

January 2024

I am pleased to present our Annual Report for 2023 and to let you know that the Palm Beach County Commission on Ethics finished a year full of notable accomplishments and achievements. This report represents our responsibility and commitment to provide excellent service delivery to our community and good stewardship of our resources. Throughout this report, you will find evidence of our successes in honoring these responsibilities and commitments.

In 2023, we continued to use our five-year strategic plan to guide our priorities, accomplish our goals, and ensure a solid commitment to delivering excellent programs and services. Our work also depends on meaningful collaborations with county and municipal employees, elected officials, and appointed officials, as well as community partners, who champion and promote the pursuit of ethical behavior, leadership, and service.

When participants in our education programs are surveyed on their satisfaction with our work, we learn that most are familiar with the Palm Beach County Commission on Ethics mission, consider the training necessary, and believe it is good for the community. This honest feedback has been invaluable and helps us serve the community in meaningful and essential ways.

I am immensely grateful to the Palm Beach County Commission on Ethics Commissioners and staff for their passion and commitment to our profession. Working with dedicated professionals who live our mission and values is an honor. I also want to thank the county and municipal employees, elected and appointed officials, and community partners we work with daily for supporting our mission and vision.

The Palm Beach County Commission on Ethics invites you to join us in building and supporting our ethical culture by learning more about our organization, mission, and how we serve our community. As we look ahead to a productive 2024, we are committed to serving you, fulfilling our purpose, and creating value for our community.

Kind regards,

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

Christie Kelley
Executive Director



CONTENTS

- 01** | EXECUTIVE SUMMARY
- 02** | COMMISSION ON ETHICS
 - MISSION
 - COMMISSIONERS AND STAFF
 - ADVOCATE PROGRAM
 - FISCAL REPORT
- 10** | STRATEGIC PLAN 2022–2027
- 12** | CUSTOMER SATISFACTION
- 14** | 2023 ACHIEVEMENTS
 - ADMINISTRATIVE
 - EDUCATION AND OUTREACH
 - ADVISORY OPINIONS
 - INVESTIGATIONS AND ENFORCEMENT
- 21** | 2024 PROJECTS
- 22** | LOOKING AHEAD
- 24** | APPENDIX
 - CODE OF ETHICS ORDINANCE



EXECUTIVE SUMMARY

The Palm Beach County Commission on Ethics had another remarkable year, embracing the full implementation of the five-year strategic plan filled with challenges and successes. This Annual Report highlights our work, progress, and achievements in 2023, especially the significant advances made in expanding our educational and community outreach efforts, which are the foundation of all that we do.

We reaffirm our desire and ability to successfully deliver our mission; be trusted stewards of our resources; maintain, promote, and implement ethics and compliance endeavors; and continue to grow our vision of providing exceptional programs and services to our community. The Palm Beach County Commission on Ethics is ambitious and strategically focused on all our actions. In 2024, we will continue to build on our past achievements to ensure we are constantly shaping and delivering our mission for the benefit of our community.



The Palm Beach County Commission on Ethics monthly meeting.



PALM BEACH COUNTY COMMISSION ON ETHICS

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

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

The jurisdiction of the Palm Beach County Commission on Ethics extends to all county and municipal officials and employees and all other persons and entities required to comply with the provisions of the Code of Ethics, Palm Beach County Lobbyist Registration Ordinance, or the Palm Beach County Post-Employment Ordinance. The Palm Beach County Commission on Ethics also has limited jurisdiction over all county and municipal vendors, lobbyists, principals, and employers of lobbyists who lobby the county or municipalities. The Palm Beach County Commission on Ethics only enforces local governmental ethics laws. It does not enforce any other laws, even those that may involve ethical issues.

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

MISSION

The Palm Beach County Commission on Ethics' mission is to foster integrity in public service, promote the public's trust and confidence in that service, and prevent conflicts between private interests and public duties. This mission remains of utmost importance to those who live and work in Palm Beach County.

The Palm Beach County Commission on Ethics accomplishes its mission by focusing on and conducting ongoing educational programs and community outreach. In addition, the Commission also provides clear and timely advice and fairly and impartially interprets and enforces conflict of interest and gift disclosure laws.

In doing so, the Palm Beach County Commission on Ethics is guided by the principles of honesty, integrity, and character. The Palm Beach County Commission on Ethics is an independent watchdog agency tasked with safeguarding these high ethical standards.



COMMISSIONERS AND STAFF

I commend my fellow board members and staff for consistently delivering more than expected in protecting and promoting our mission. It takes courage to make ethical decisions, and employees and community members are proud to work in a community they perceive to have high-quality ethical behavior.

- Michael H. Kugler, Chair



Palm Beach County Commission on Ethics Commissioners
Back row (L-R) Peter Cruise, Kristin Vara-Garcia, Rodney Romano
Front row (L-R) Michael Kridel, Michael Kugler

The Palm Beach County Commission on Ethics is comprised of five volunteer members who are each appointed by different community organizations and serve staggered four-year terms. The board nominates a new Chair and Vice Chair annually.

The Palm Beach County Commission on Ethics Commissioners work together to govern and guide the organization. These volunteers dedicate their time and expertise to shape and support the ethical behavior, principles, and interests of our community.

Commissioners meet monthly and oversee the procedures governing the operation and responsibilities of the three local ethics ordinances: the Code of Ethics, the Lobbyist Registration Ordinance, and the Post-Employment Ordinance. They also make probable cause determinations on alleged ethics violations and advise and make recommendations based on the policies, procedures, and requirements of the local ethics ordinances.



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



Presenting outgoing Commissioner Danielle Sherriff with an award for her service on the Commission.

Serving as a Palm Beach County Commission on Ethics Commissioner requires considerable experience, substantial commitment, and impeccable credentials. Their work is invaluable and helps build a stronger foundation of ethical understanding, behavior, and practices in local government.

Our Palm Beach County Commission on Ethics Commissioners:

Michael H. Kugler, Esquire, Chair

Michael Kugler serves as Chair of the Palm Beach County Commission on Ethics and has been a member since 2020. Kugler has a long and successful legal career as a highly respected prosecutor and personal injury attorney. He is currently the Director of Litigation at Demand the Limits. In addition to his responsibilities as Chair, Kugler is active in the community and works with public officials, businesses, and civic leaders through his participation in numerous legal and civic organizations. Kugler was appointed to the Palm Beach County Commission on Ethics by the Hispanic Bar Association of Palm Beach County, in conjunction with the F. Malcolm Cunningham, Sr. Bar Association, and the Palm Beach County Bar Association.

Kristin A. Vara-Garcia, Esquire, Vice Chair

Kristin Vara-Garcia serves as Vice Chair of the Palm Beach County Commission on Ethics and has been a member since 2023. An experienced attorney, community volunteer, and award-nominated author, Vara-Garcia is a senior attorney for Palm Beach County School District in the Office of General Counsel. Before joining the School District, Vara-Garcia was a real estate attorney in private practice and an Assistant State Attorney in Palm Beach County. Vara-Garcia is a Palm Beach County Bar Association member and has been the co-chair/moderator of the real estate/transactional section of the Palm Beach County Bench Bar for the last two years. In addition to her legal work, Vara-Garcia serves as the Treasurer of the Guild of Catholic Lawyers of the Dioceses of Palm Beach and is a volunteer for GTS Husky Rescue. Vara-Garcia was appointed to the Palm Beach County Commission on Ethics by the Palm Beach County Association of Chiefs of Police.



Peter L. Cruise, Ph.D.

Peter Cruise has been a Palm Beach County Commission on Ethics member since 2018. Cruise is the Founding Director of the LeRoy Collins Public Ethics Academy and an Affiliate Associate Professor at Florida Atlantic University. His academic and professional careers have focused on improving the ethical climate in public sector programs and organizations. Previously, Cruise successfully worked in management positions in various health and human service settings. His research interests include organizational ethics, values-based management, and ethnographic approaches in human services planning and evaluation. He has presented the results of these and other research efforts at regional, national, and international academic conferences. In addition, Cruise has published his work in numerous peer-reviewed journals. Cruise is the co-editor of *Handbook of Organization Theory and Management: The Philosophical Approach*. In 2015, Cruise was selected by the College of Design and Social Inquiry faculty at Florida Atlantic University as a Distinguished Alumnus. Florida Atlantic University appointed Cruise to serve on the Palm Beach County Commission on Ethics.

Michael S. Kridel, CPA, CFF, CITP, CFC

Michael Kridel has been a Palm Beach County Commission on Ethics member since 2013. Kridel is a Certified Public Accountant and Shareholder in Michael S. Kridel, C.P.A., P.A. He holds the Certified in Financial Forensics, Certified Information Technology Professional, and Certified Forensic Consultant designations, among others. Kridel has practiced public accounting for almost 50 years and is a frequent speaker and author, garnering numerous awards at national and local conferences. He facilitated an award-winning seminar, Ethical Decision Making in the Workplace and Society, for Broward County high schools, positively influencing more than 15,000 seniors. Kridel is also a certified ethics instructor for Florida's CPAs, an online forensic accounting course instructor for the University of North Carolina at Charlotte, and a guest instructor at Florida Atlantic University and other institutions. He is a longtime member of the Editorial Review Panels of the Journal of Accountancy and Florida CPA Today. Kridel has been a long-time Rotarian and is a board member for numerous not-for-profit organizations, including the Florida Board of Accountancy Education Advisory Committee. The Palm Beach Chapter of the Association of Certified Fraud Examiners appointed Kridel to the Palm Beach County Commission on Ethics.

Rodney G. Romano, Esquire

Rodney Romano has been a Palm Beach County Commission on Ethics member since 2018. He has dedicated his professional life to service in the attorney-mediator profession and as a well-respected, successful four-term Mayor of the City of Lake Worth. Because of his passion for helping people, Romano founded Matrix Mediation in 2006 to offer more problem-solving approaches to the mediation field and provide clients with more support and compassion to understand their legal issues and help them determine the best solutions. Romano is a Florida Supreme Court Certified Circuit Civil Mediator and has successfully conducted more than 24,000 hours of mediation and handled 7,000 cases



of circuit civil mediation in all areas of civil law, covering the entire spectrum of complexity and value in disputes. He is also the author of *Dispute Resolution Field Manual – Negotiating in the Trenches* and has lectured and written regularly on alternative dispute resolution issues. Romano is a member of the Palm Beach County Bar Association and the Palm Beach County Bar Association Alternative Dispute Resolution Committee. The Palm Beach County League of Cities, Inc. appointed Romano to the Palm Beach County Commission on Ethics.

Working with the Commissioners, the Palm Beach County Commission on Ethics staff is the unifying force that provides the energy, enthusiasm, and ingenuity to create and maintain an ethical climate that drives the success of the organization’s mission and defines and promotes what the Palm Beach County Commission on Ethics is and what it stands for.

Staff provides an educational environment that supports ethically sound behavior and helps to instill a sense of shared responsibility and accountability among employees, elected officials, and community leaders to act in accordance with the local ethics ordinances.



*Palm Beach County Commission on Ethics Staff
Back row (L-R) Lizabeth Martin, Christie Kelley, Rhonda Giger
Front row (L-R) Gina Levesque, Abigail Irizarry, Mark Higgs*

Our Palm Beach County Commission on Ethics staff:

Christie Kelley, Esquire, Executive Director

Christie Kelley was appointed Executive Director of the Palm Beach County Commission on Ethics in 2022. Her responsibilities include the legal and administrative functions of the Palm Beach County Commission on Ethics, developing and overseeing the Commission’s Strategic Plan 2022-2027, the application and framework for training public officials and employees to ensure compliance with the county’s ethics ordinances, investigating alleged violations of the ethics ordinances, and providing legal counsel to the Palm Beach County Commission on Ethics and others under the jurisdiction of the Commission. Before becoming the Executive Director, Kelley served as the Palm Beach County Commission on Ethics General Counsel for eight years. Previously, Kelley served as an Assistant State Attorney in Florida’s Fifth Judicial Circuit in Marion County. Kelley is a Florida Bar member and an active community volunteer. Kelley earned a B.A. in Business Administration (summa cum laude) from the University of Florida and a J.D. from the University of Florida Levin College of Law (cum laude).



Rhonda Giger, Esquire, General Counsel

Rhonda Giger joined the Palm Beach County Commission on Ethics staff in 2022 and is an accomplished trial and appellate attorney with over 20 years of experience. She has served as an Assistant Attorney General in the Capital Appellate Unit of the Florida Attorney General's Office and successfully served as the first in-house prosecutor for the City of Bothell, Washington, where she was the lead prosecutor and police legal advisor for 18 years. As the General Counsel, Giger provides legal services to the Palm Beach County Commission on Ethics and those under their jurisdiction regarding issues involving the Code of Ethics, Lobbyist Registration Ordinance, and Post Employment Ordinance. Giger also presents factual and legal analyses for legal sufficiency determinations of complaints to the Executive Director and probable cause determinations to the Commission. Giger earned a B.A. in Law and Justice from Central Washington University and a J.D. from Seattle University School of Law (cum laude).

Gina Levesque, Intake & Compliance Manager

Gina Levesque has served the Palm Beach County Commission on Ethics since its inception in 2010. With over 25 years of legal and law enforcement experience, Levesque oversees the daily operations of the Intake & Compliance Section, which includes duties related to Palm Beach County Commission on Ethics governance, communicating ethical standards, policies, and regulations to government officials and employees, community leaders, and the general public. Levesque also ensures the prompt and thorough review of compliance-related matters, tracking efforts to measure effectiveness, efficiency, and quality of services, and participates in Palm Beach County Commission on Ethics initiatives and associated activities. Before joining the Commission, Levesque was a law enforcement and correctional officer in Broward County and was a legal assistant in the homicide division at the Office of the State Attorney in Palm Beach County. Levesque has a B.S. in Education from Southern Illinois University, is a Certified Fraud Examiner, and is an active member of the Florida Region 7 All Hazards Incident Management Team.

S. Lizabeth Martin, Communications & Education Manager

Lizabeth Martin joined the Palm Beach County Commission on Ethics staff in 2023 as the Communications and Education Manager. With over 20 years of successful and effective communications, marketing, and journalism experience, Martin manages the day-to-day delivery of education programs, marketing projects, and internal and external communications and represents the Commission at community and education activities. Martin also oversees the Palm Beach County Commission on Ethics campaign to increase public visibility and awareness of its mission. Before joining the Commission, Martin served as a tenured professor at Palm Beach State College in the Speech Department for 11 years. Martin has also worked at the University of North Florida, Flagler College, Duval County Schools, The Florida Times-Union, and WJCT Public Broadcasting in Jacksonville. Martin earned a B.A. in Communications from Florida State University and an M.A. in Communications from the University of West Florida.



Mark Higgs, Investigator

Mark Higgs, following a 30-year career with the Chicago Police Department, joined the Palm Beach County Commission on Ethics staff in 2019. Higgs conducts confidential and time-sensitive investigations focused on alleged ethics violations and serves as a department liaison with law enforcement agencies and other institutions to foster investigation collaboration. Higgs came to the Palm Beach County Commission on Ethics with notable investigation credentials. In addition to his duties with the Chicago Police Department, Higgs served on the high-profile Joint Terrorism Task Force for the Federal Bureau of Investigation. As an advocate for law enforcement best practices, Higgs also obtained specialized training through the Department of Homeland Security, the Bureau of Justice Assistance, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation. Higgs is a Certified Fraud Examiner and Forensic Interviewer and earned a B.S. in Law Enforcement Management and an M.S. in Public Safety Administration from Calumet College of St. Joseph.

Abigail Irizarry, Investigator

Abigail Irizarry joined the Palm Beach County Commission on Ethics staff in 2016 after serving nine years as a respected and award-winning investigator for the State of Florida. As an investigator for the Commission, Irizarry conducts confidential and time-sensitive investigations focused on alleged ethics violations. She also serves as a department liaison with law enforcement agencies and other institutions to foster investigation collaboration. Previous experience included a variety of investigative capacities, first for the Better Business Bureau and then becoming the lead investigator for the Florida Department of Children and Families in Lee County, specializing in human trafficking cases and other crimes. In 2015, Irizarry was named the Department of Children and Families Office of Inspector General's Investigative Star of the Year for her achievements. She was the first female investigator in the state to receive this prestigious award and honor. Irizarry graduated from Florida State University with a B.S. in Criminology and is a Certified Inspector General Investigator, Fraud Examiner, and Forensic Interviewer.



ADVOCATE PROGRAM



Flynn Bertisch, Commission Advocate, during a final public hearing.

The Palm Beach County Commission on Ethics, in conjunction with the Legal Aid Society, began a pro bono volunteer advocate program in 2011 to help prosecute ethics complaints in Palm Beach County. In 2021, the ordinances were amended and updated to allow for Advocates and Hearing Officers to be paid a nominal fee. Advocates and Hearing Officers have significant courtroom experience as state prosecutors and defense attorneys in criminal law practice.

Advocates **John B. Cleary**, Esquire, and **Flynn P. Bertisch**, Esquire, are highly regarded and accomplished Palm Beach County attorneys currently providing additional litigation support to the Palm Beach County Commission on Ethics. Their dedication, hard work, and continued support of the mission and efforts of the Palm Beach County Commission on Ethics are invaluable and greatly appreciated.



Commission Advocate John Cleary presents arguments during a final hearing before a hearing officer.

FISCAL REPORT

Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for the Palm Beach County Commission on Ethics operations, and its budget comes out of the County's General Fund Account. As good stewards of the public's money, the Palm Beach County Commission on Ethics is very conscientious about using budgeted funds for the highest and best purpose: managing the Palm Beach County Commission on Ethics efficiently and effectively to fulfill its mission.

The Commission's operating budget was \$863,325 for the fiscal year 2023. Detailed budget information is available from the Palm Beach County Office of Financial Management and Budget at www.pbcgov.org/ofmb.



STRATEGIC PLAN 2022–2027

The Palm Beach County Commission on Ethics created and executed its first strategic plan in 2022 to help guide and organize its future priorities for a more significant and impactful community presence. After two years of implementing the strategic plan, staff have assessed and worked on the Palm Beach County Commission on Ethics' organizational readiness for transformation, identified needed changes, and eagerly addressed and worked on the five goals outlined in our strategic plan.

Goal 1: Provide Exceptional Service Delivery

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

The Palm Beach County Commission on Ethics continues its work on effective operational governance standards with measurable goals and metrics and an internal review framework to ensure the focus remains on continuous improvement methods and practices.

Goal 2: Maintain & Motivate A Highly Skilled Agile Team

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

The Palm Beach County Commission on Ethics continues to use its management and communication plans with staff to include defined roles and responsibilities, career development, and staff meetings to increase workflow efficiencies, leading to increased staff awareness, adherence, and commitment to delivering the highest levels of service to customers.



Staff preparing for a Commission Meeting

Goal 3: Overhaul and Improve COE Website

Objective: To engage and inspire individuals to support the Palm Beach County Commission on Ethics mission.

Palm Beach County Commission on Ethics continues to review and update its website content and navigation ability to improve user experience and create a more consistent and updated web experience. Over the next few years, plans will incorporate more social media content onto the website and easier standardized website navigation. These features aim to improve accessibility and usability for customers and will help capture key performance indicators to evaluate the website's performance. An ongoing review of all material and resources on the website will also be performed.



Goal 4: Enhance Comprehensive Education Program

Objective: To deliver Palm Beach County Commission on Ethics training that is effective, efficient, and accessible.



Gina Levesque presents ethics program for members of Leadership Palm Beach County.

The Palm Beach County Commission on Ethics considers education critical to fostering a culture of ethical behavior among local government officials and employees. An organization's reputation depends on its employees and their service to the public. Government organizations earn respect and cultivate a strong image in the public domain when people see and experience employees operating with honor and integrity.

In 2023, the Palm Beach County Commission on Ethics committed a staff position to help fulfill the unmet needs and demands for their education programs and services. This position coordinates

education and marketing initiatives, web and social media content, publications, and community outreach and will expand and promote services throughout Palm Beach County.

In addition, preliminary education plans and objectives outlined in the strategic plan have been met, including reviewing and updating current programs and materials. Additional projects are in the works to create customized training content that will provide training and resources for different groups and needs in the county.

Goal 5: Organization and Community Partnerships

Objective: To foster community outreach and partnerships to strengthen the Palm Beach County Commission on Ethics' presence and services.

With the assistance of the new education position, plans for this goal in 2024 include continuing and expanding self-assessments of current community outreach strategies and collaborations with other agencies and individuals in Palm Beach County communities. Such strategies are vital for the Palm Beach County Commission on Ethics to build support within the community and increase awareness about the Palm Beach County Commission on Ethics programs and services. Over the next few years, the Palm Beach County Commission on Ethics will actively identify new opportunities in the community, identify target populations for outreach, and develop action-oriented messages tailored to specific audiences to help engage individuals and groups in our efforts.



Lizbeth Martin at Junior Achievement's Career Day at Royal Palm Beach High School.



CUSTOMER SATISFACTION

Thank you for setting up the ethics training. I have no doubt our employees walked away with good information; I know I did.

– City of Greenacres employee

It's so important that we are trained and above reproach.

– City of Palm Beach Gardens employee

Thank you for your service.

– Town of Jupiter employee

Keep up the good work!

– Tequesta employee

Providing exceptional customer service and satisfaction is important to the Palm Beach County Commission on Ethics. We value our customers' opinions and use our newly created Customer Satisfaction Survey to better understand the needs of those we serve and to help us determine whether we meet their expectations and needs.

We also want our customers to play a role in shaping their ethical behavior, feel more connected to the Palm Beach County Commission on Ethics, and succeed in taking ethical actions. Their feedback helps us build on the goals of our strategic plan, which is to create a loyal and committed customer base. If our customers are happy with what we do and provide, they will be our biggest promoters and share our mission's importance with others in the community.

The Palm Beach County Commission on Ethics Customer Satisfaction Survey is a survey that local government employees and officials can voluntarily complete after participating in the Commission's ethics training program. It has five questions with a rating scale to choose from and one final open-ended question, allowing survey respondents to share additional suggestions and ideas. Surveys are reviewed in real time, allowing us to make immediate changes or address a customer's concern. Measuring our customers' satisfaction also helps us to obtain concrete numerical scores, which may be used to develop new key performance indicators.

Since its inception in 2022, 936 customers voluntarily completed our survey regarding our work and programs. The surveys showed that our customers continue to be satisfied with our performance, find the training useful, and consider our mission important for the community.



99.8%

reported they are satisfied or very satisfied with the Palm Beach County Commission on Ethics programming they received.

99.7%

found the Palm Beach County Commission on Ethics training program helpful in understanding how to incorporate the Code of Ethics into their work.

98.8%

believe ethical instruction, knowledge, and practices are essential for community well-being.

94.1%

felt more confident in their abilities to serve the public, coworkers, and employers with honesty, integrity, and character after participating in the Palm Beach County Commission on Ethics program.

81.6%

reported they had previously heard about and were aware of the COE and its mission.

Measuring customer satisfaction is essential to monitoring our efforts, seeing if we are headed in the right direction, and providing effective programs and services. The Commissioners and staff of the Palm Beach County Commission on Ethics are dedicated to maintaining quality customer service, and we will continue to focus on delivering exceptional customer service in the years ahead.



Christie Kelley presenting at the Palm Beach County League of Cities Ethics Training Program



2023 ACHIEVEMENTS

Administrative

- 12** Commission Meetings held
- New Commissioner appointed
- Education Position filled
- 22** Training Policy Compliance Reviews completed

Education and Outreach

- 21** Training Sessions held
- Marketing and Outreach Plan created and implemented
- 23,388** Website Views
- Attended Commission/Council Meetings in all municipalities



Advisory Opinions

- 720** Customer Requests for Assistance
- 28** New Advisory Opinions issued
- Average Number of Days to Complete Advisory Opinions: **7**

Investigations and Enforcement

- 15** Inquiries initiated
- 35** Complaints investigated
- 1,072** Gift Forms reviewed
- 100** Voting Conflict Forms reviewed

In alignment with our Strategic Plan 2022-2027, we constantly seek opportunities at every turn to serve our customers and community better and ultimately grow in our recognition. Our operational process performance review highlighted in our Strategic Plan 2022-2027 helped us create custom-tailored performance measurements, define adequate process measures, increase efficiency in communication, and identify ways to optimize our best performance, leading to many successes and accomplishments in 2023.

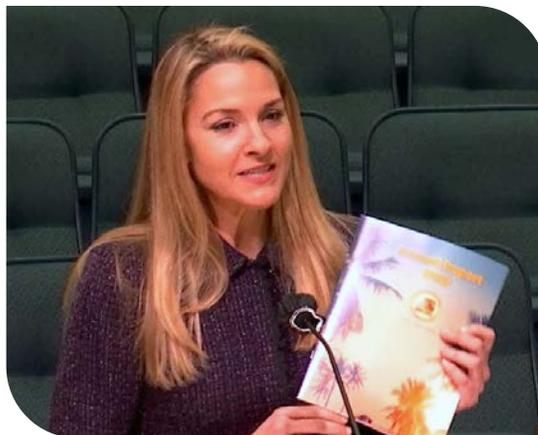
Sharing a few examples below of the achievements in our Administrative, Education and Outreach, Advisory Opinions, and Investigations and Enforcement areas is the best way to demonstrate our determination to continue performing successfully year after year.



ADMINISTRATIVE

The Administrative area of the Palm Beach County Commission on Ethics oversees the day-to-day business and financial operations; design and execution of short and long-term strategic plans to include key performance measures; implementation of new policies, procedures, and programs; and hiring and development of staff members.

- Held 12 Palm Beach County Commission on Ethics Meetings.
- Welcomed Kristin A. Vara-Garcia as a newly appointed Commissioner.
- Filled newly created education position.
- Continued implementation of the Strategic Plan 2022-2027 goals.
- Conducted 22 training policy compliance reviews and maintained ethics training rates of 90% through support and outreach efforts by staff.
- Managed approximately 720 requests for assistance via phone or email and also used these requests to help educate the requestor about the Palm Beach County Commission on Ethics and the Palm Beach County Code of Ethics.
- Continued review, creation, development, and implementation of office manuals, forms, policies, and protocols for identification, prioritization, cross-training, and standard operations practices.
- Continued to review and monitor customer satisfaction surveys to track satisfaction levels with Palm Beach County Commission on Ethics programs and services.
- Continued monitoring improvement and performance processes.
- Employee development:
 - Continued work with new organizational culture and communication strategies.
 - Continued work on protocols for identification, prioritization, and management of employee development and communication.
 - COE staff completed over 130 hours of professional development training.



Christie Kelley making a presentation to the Commission



EDUCATION AND OUTREACH

Ethics training and outreach by the Palm Beach County Commission on Ethics promotes ethics awareness and supports the importance of ethical practices in local government and the community. Our ethics training programs build and sustain a culture of integrity and boost morale among those in public service because it helps support and maintain a positive work culture and uphold a strong public image. Communicating the requirements of ethical behavior under the Palm Beach County Code of Ethics and helping to implement that behavior in the workplace is an essential strategy and mission of the Palm Beach County Commission on Ethics.



Rhonda Giger and Lizabeth Martin at a training program for the City of Greenacres.

Our ethics training educates officials and employees on the requirements of the Code of Ethics and provides them the knowledge and tools needed to identify potential issues they may face and to make ethical decisions. Staff tailors the training according to participants' needs. The Palm Beach County Commission on Ethics website is also used to support and provide additional education assistance.

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

- Delivered 21 in-person ethics training to public officials and employees.
- Delivered 4 in-person outreach presentations to the general public.
- Continued examination of the impact and effectiveness of training programs.
- Assessed program and service delivery, determined potential gaps in service delivery, reviewed surveys, and implemented any needed changes. Reviewed current, alternative, and additional methods for enhancing training delivery and completed evaluation and review of education programs, needs, and delivery methods.
- Initiated revision of Code of Ethics training for in-person and online access by officials, employees, and others under the Palm Beach County Commission on Ethics jurisdiction.



- Created and started implementation of a marketing plan to promote and raise awareness of the Palm Beach County Commission on Ethics and to inform and educate those under its jurisdiction and the general public about the Commission’s principles and practices. The marketing plan includes the following components and activities:
 - review mission, vision, and values;
 - review strengths, weaknesses or limitations, opportunities, and challenges;
 - determine key needs of our customers;
 - develop media and public information content, including community bulletins, website, social media, and resources;
 - continue review of customer satisfaction and services; and
 - execute education program needs and services.
- Created an outreach plan to deliver programs and services to newly identified opportunities, increase community outreach efforts to educate the public about the Palm Beach County Commission on Ethics’ mission and its actions, and track and evaluate contacts, activities, partnerships, and statistics.
- To increase the representation of the Palm Beach County Commission on Ethics in the community, staff attended at least one commission meeting in each of the 39 municipalities within Palm Beach County and the Board of County Commissioners and also attended at least one meeting of the Delray Beach Community Redevelopment Agency, the Lake Worth Beach Community Redevelopment Agency, and the Delray Beach Housing Authority which are voluntarily under the jurisdiction of the Commission on Ethics.
- The Palm Beach County Commission on Ethics Website:
 - Continued reviewing areas needing enhancement, improvement, and updates, including written materials, guides, and training.
 - Identified key performance indicators to evaluate the website's performance (e.g., the number of users visiting the Palm Beach County Commission on Ethics website, bounce rate, location, and the most popular pages viewed) and assessed and identified successful communication pathways or roadblocks.
 - Website statistics:
 - 23,388 page views of the website.
 - 10,107 unique visitors to the website.
 - 91.5% of visitors were located in the United States.
 - 52.8% of visitors located in Florida.



ADVISORY OPINIONS

The Palm Beach County Commission on Ethics aims to protect the public's trust in government officials, employees, institutions, and processes. When faced with a possible ethical dilemma or decision, public officials and employees have an obligation to follow our *Ask First, Act Later* motto.

Any person over whom the Palm Beach County Commission on Ethics has jurisdiction may request assistance from Commission staff when dealing with an issue that may involve one of the local ethics ordinances. Staff will provide a new advisory opinion or will refer to previously published advisory opinions to assist individuals with interpreting the Code of Ethics, Lobbyist Registration Ordinance, or Post Employment Ordinance as it applies to the individual requesting the opinion using the set of facts they provide in writing. The advisory opinion helps the individual avoid engaging in a prohibited action; therefore, remember to ask first, act later.

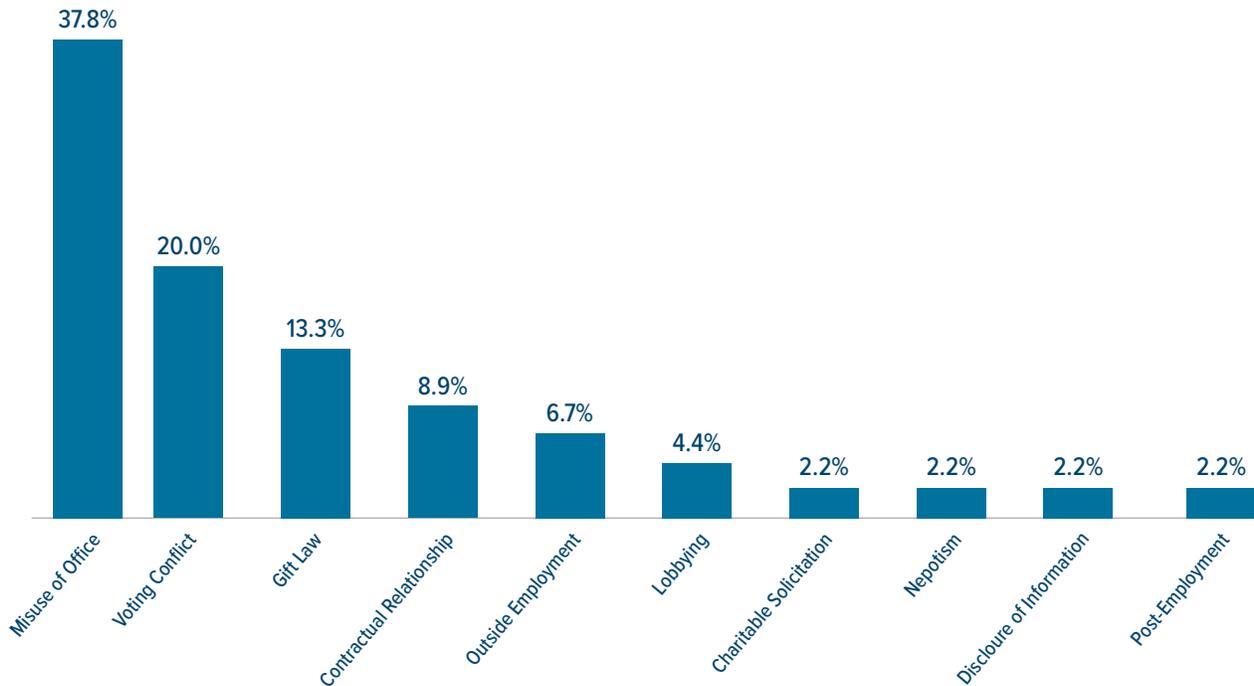
- Issued 28 new advisory opinions.
- Average number of days to complete advisory opinions: 7 days.
- Managed 33 requests for advice by referring the requesting party to prior advisory opinions.



Rhonda Giger presenting ethics training program for Town of Lake Park employees.



2023 Advisory Opinions by Topic



INVESTIGATIONS AND ENFORCEMENT

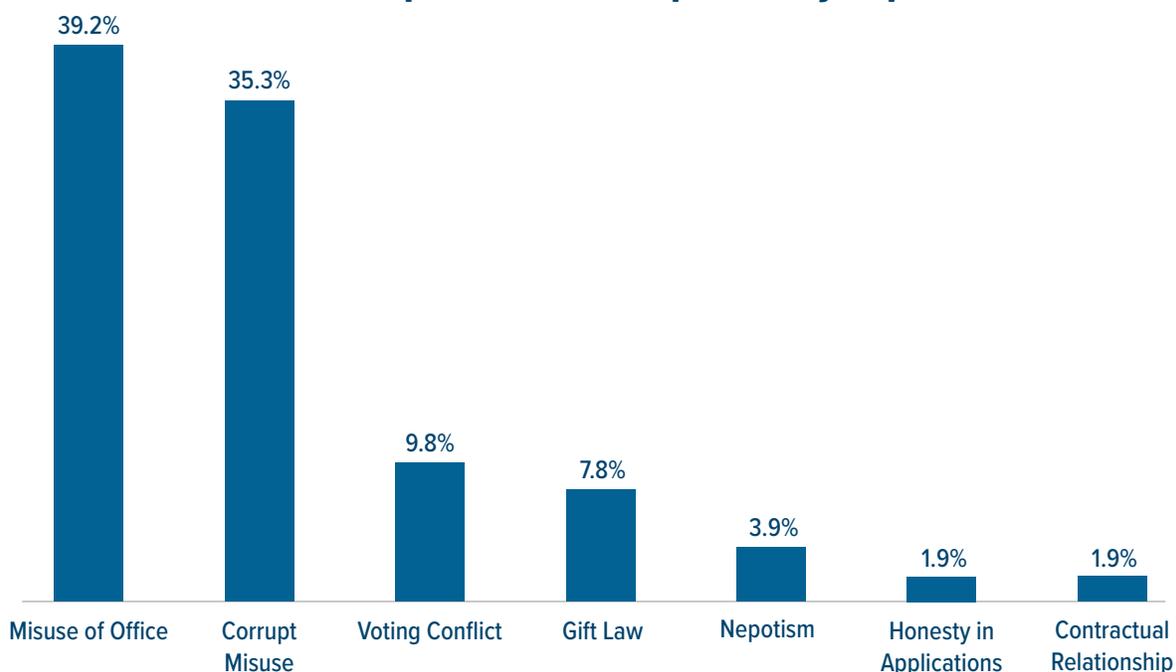
The Palm Beach County Commission on Ethics is responsible for enforcing the Palm Beach County Code of Ethics, Palm Beach County Lobbyist Registration Ordinance, and the Palm Beach County Post-Employment Ordinance and conducting confidential inquiries and investigations into alleged violations of these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

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



- Initiated 15 inquiries.
 - 6 were closed due to lack of legal sufficiency.
 - 6 had legal sufficiency to become self-initiated complaints.
 - 3 are still ongoing.
- Completed 2 ongoing inquiries from 2022.
 - 1 had legal sufficiency to become a self-initiated complaint.
 - 1 was closed due to lack of legal sufficiency.
- Investigated 27 sworn complaints.
 - 23 were administratively dismissed for lack of legal sufficiency.
 - 1 is still ongoing.
 - 3 were dismissed with a finding of no probable cause.
- Investigated 7 self-initiated complaints (were originally inquiries).
 - 1 was resolved by a Letter of Reprimand being issued.
 - 2 were resolved by a Letter of Instruction being issued.
 - 3 are still ongoing.
 - 1 was dismissed for not being in the public interest to proceed further.
- Investigated 1 self-initiated complaint from 2022.
 - Probable cause was found and the case is set for a final hearing in 2024.
- Reviewed 1,072 gift disclosure forms.
- Reviewed 100 voting conflict forms.
- Average number of days to complete routine inquiries: 49 days.
- Average number of days to complete routine complaints: 25 days.

2023 Inquiries and Complaints by Topic





2024 PROJECTS

Last year, we made substantial progress on our stated goals and continued the successful path of operational and service delivery results for our community. A few of the projects from the Strategic Plan 2022-2027 that the Palm Beach County Commission on Ethics will be focusing on in 2024 include:

- Executing a continuous improvement process in service delivery to build on community interest and reliance on the Palm Beach County Commission on Ethics programs and services, which will be tracked, evaluated, and reassessed every six months to identify any changes and improvements needed for optimum performance.
- Continuing to implement marketing strategies to promote and raise awareness of Palm Beach County Commission on Ethics and to inform and educate those under our jurisdiction and the general public about ethical principles and practices.
- Continuing to implement outreach plans to deliver programs and services to newly identified groups and opportunities to educate the public about the Palm Beach County Commission on Ethics' mission of promoting public trust in government.
- Modifying and reformatting the Palm Beach County Commission on Ethics website layout with creative headlines, up-to-date information, and user-friendly design and navigation to engage the reader to use to the site.
- Revising the Code of Ethics training for in-person and online access by officials, employees, and others under the jurisdiction of the Palm Beach County Commission on Ethics.
- Creating a continuing education program for Palm Beach County Commission on Ethics Commissioners.
- Updating all Code of Ethics publications and create and film short video clips on the most frequently asked questions about sections of the Code.



Gina Levesque presenting at a local conference.



LOOKING AHEAD

As in the past, delivering exceptional ethical programs and services is always at the forefront of our undertakings, and our customers will always remain at the heart of our strategies and commitments. We also recognize that operational excellence, education, and community engagement are essential to our success.

The Palm Beach County Commission on Ethics will continue to advance its unwavering commitment to serving the needs of our community. We recognize that pursuing a more ethical environment is a collective effort, and we would not be where we are today without the support of our county and municipal employees, elected and appointed officials, and community partners.

We thank you and look forward to building on our success and knowing that the best is yet to come.



*Success takes hard work, honesty, integrity, character, and love of what you do.
Your Palm Beach County Commission on Ethics Team*





APPENDIX

Palm Beach County Code of Ethics



CODE OF ETHICS

Effective Date: July 1, 2021

Sec. 2-441. Title; statement of purpose.

This article shall be known as the Palm Beach County Code of Ethics. This code of ethics is enacted pursuant to Florida Constitution, Article VIII, section 1(g), Florida Statutes, Ch. 125, and the Charter of Palm Beach County. The Municipalities located within Palm Beach County are subject to the provisions of this code of ethics pursuant to referendum. The purpose of this code is to provide additional and more stringent ethics standards as authorized by Florida Statutes, §112.326. This code shall not be construed to authorize or permit any conduct or activity that is in violation of Florida Statutes, Ch. 112, pt. III. This code of ethics shall be deemed additional and supplemental to any and all state and federal laws governing ethical conduct of officials and employees, as well as all local laws, rules, regulations and policies.

Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.

Nothing herein shall abridge employees' constitutional right to collective bargaining.

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

Sec. 2-442. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, or where expressly provided herein to the contrary:

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Customer or client means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

Domestic partner is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship and maintains a mutual residence.

Financial benefit includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

Gift shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise of these, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, §112.3148, and the Florida Administrative Code as may be amended.

Household member includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not renters or employees of the head of the household.

Inspector general shall mean the office established in article XII of this chapter.

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.



Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, or who registers in the county’s central lobbyist registration database or with any municipality, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government.

“Lobbyist” shall not include:

1. Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official’s staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.
2. Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing, and providing that the person is not otherwise registered as a lobbyist in the county’s central lobbyist registration database, or with any municipal lobbyist registration system when that municipality has its own lobbyist registration process.
3. Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
4. Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
5. Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc., lobbying on behalf of that entity.

Official or employee means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term “employee” includes but is not limited to all managers, department heads, and personnel of the county or the municipalities located within the county. The term also includes volunteers of the county or the municipalities located within the county when such volunteers exercise discretionary police, fire, or parking enforcement department authority. The term “employee” also includes the chief executive officer of the county or any municipality, who is not part of the local governing body. If the county or municipality utilizes and contracts for “privatized” chief administrative officers or chief executive officers, then the person providing such services, or the officers, directors, and employees of any entity providing such services, shall be considered the employees of the county or municipality that he or she serves. However, it shall not include local government attorneys as defined in Florida Statutes § 112.313, or attorneys who render contracted services to the county or municipality that are limited in scope to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. The term “official” shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi-judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

Outside employer or business includes:

1. Any entity, other than the county, the state, or any other federal, regional, local, or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced. For purposes of this definition, “compensation” does not include reimbursement for necessary expenses, including travel expenses; or
2. Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For purposes of this definition, an “ownership interest” shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee’s household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee’s latest individual federal tax return.
3. The term outside employer or business shall not apply to an employee who is employed by a certified



bargaining agent solely to represent employees.

Palm Beach County Commission on Ethics means the commission established in section 2-254 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the “commission on ethics” in this article.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

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

Relative unless otherwise specified in this article, means an individual who is related to an official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the official or employee or who otherwise holds himself or herself out as or is generally known as the person whom the official or employee intends to marry or with whom the official or employee intends to form a household, or any other natural person having the same legal residence as the official or employee.

Transaction shall refer to the purchase or sale by the county or municipality of goods or services for a consideration.

Vendor means any person or entity who has a pending bid proposal, an offer or request to sell goods or services or to sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property to the county or municipality involved in the subject contract or transaction as applicable. For the purposes of this definition, a vendor entity includes an owner, director, manager or employee. Currently sells goods or services shall mean the period of time of an actual transaction or contract between a vendor and the government entity if such transaction or contract exceeds \$500. Where no formal contract exists for the sale or lease of goods and services, it shall include the period of time from the point the government entity orders or otherwise agrees to purchase goods and services from a vendor, to the point that all obligations on the part of both the vendor and the government entity have been satisfied by delivery of the goods and/or services by the vendor, and payment has been received for those goods and services by the vendor, and where no other obligations by either party concerning the purchase of the goods and/or services remain unsatisfied. However, it shall not include any warranty period provided by the vendor once payment for the goods and services has been received and the goods and services have been delivered, even where an obligation to provide warranty service on the part of the vendor shall exist.

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

Sec. 2-443. Prohibited conduct.

- A. **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, or attempt to do any of these things, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
1. Himself or herself;
 2. His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee’s latest individual federal income tax return, or the employer or business of any of these people;
 3. A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;
 4. An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
 5. A customer or client of the official or employee’s outside employer or business;



6. A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner— “substantial” for these purposes shall mean at least ten thousand dollars (\$10,000) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;
 7. A civic group, union, social, charitable, or religious organization, or other organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.
- B. **Corrupt misuse of official position.** An official or employee shall not use or attempt to use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, “corruptly” means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.
- C. **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The term “participate” as used in this section shall be defined as: “To take any action, or to influence others to take any action, or to attempt to do any of these things, in order to affect the passage or defeat of the specific matter before the voting body in which the official is required to abstain from voting.” The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).
- D. **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with his or her respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee’s outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed public meeting of the governing body and the advisory board member’s board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.
- E. **Exceptions and waiver.** The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member’s board is purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. No waiver shall be allowed where the advisory board member’s board is not purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Waiver may be effected by the board of county commissioners or by the local municipal governing body as applicable upon full disclosure of the contract or transaction prior to the waiver and an affirmative vote of a majority plus one (1) of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a public hearing, by the appointing person. In addition, no



official or employee shall be held in violation of subsection (d) if:

1. The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:
 - a. The official or employee, or his or her relative or household member, has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;
 - b. The official or employee, or his or her relative or household member, has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
 - c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.
2. An emergency purchase or contract, which would otherwise violate a provision of subsection (d), must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.
3. The outside employer or business involved is the only source of supply within the county or municipality under applicable law or county or municipal policy, and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.
4. The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars (\$500) per calendar year.
5. Notwithstanding any provision to the contrary, subsection (d) shall not be construed to prevent an employee from seeking part-time employment with an outside employer who has entered into a contract for goods or services with the county or municipality as applicable provided that:
 - a. The employee or his or her spouse, domestic partner, household member, or relative does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and
 - b. The outside employment would not interfere with or otherwise impair his or her independence of judgment or otherwise interfere with the full and faithful performance of his or her public duties to the county or municipality as applicable; and
 - c. The employee or his or her spouse, domestic partner, household member, or relative has not participated in determining the subject contract requirements or awarding the contract; and
 - d. The employee's job responsibilities and job description will not require him or her to be involved in the outside employer's contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance; and
 - e. The employee demonstrates compliance with applicable county or municipal policy regarding outside employment and obtains written permission from his or her supervisor; and
 - f. The employee has obtained a conflict of interest waiver signed by the chief administrative officer, or his or her designee, and the employee's direct supervisor, or his or her designee, based on a finding that no conflict exists. The employee shall submit the request for waiver in writing and under oath or affirmation on an approved form provided by the commission on ethics. The document shall contain written acknowledgment of compliance with the provisions of subsection (5)a. through (5)e. of this subsection, together with such pertinent facts and relevant documents that support such waiver. A waiver under this subsection must be approved by both the employee's direct supervisor and the chief administrative officer of the county or municipality or their designees. The county or municipality shall record such waiver in the employee's personnel file and shall submit a copy of the waiver and all related documents to the commission on ethics. The commission on ethics in its discretion may elect to review,



comment on, or investigate any waiver. The commission on ethics review or investigation shall not delay an employee's ability to take the part-time employment.

- g. *Official law enforcement or fire rescue overtime or extra duty details approved by the county or municipality of the employee.* The provisions of subsection (d) shall be waived for outside employment when that employment consists of a certified police agency extra duty detail or a certified firefighter or paramedic extra duty detail when contracted or administered by the police or fire rescue agency as applicable. For the purpose of this subsection, all records of external, extra duty or overtime security details, including supervisor approval, identity of contracting parties, and including time, date and manner of detail shall be maintained by the individual contracting or administering police or fire rescue agency, records of which shall be accessible to the public subject to state public records disclosure exemptions.
- F. **Accepting travel expenses.** No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The board of county commissioners or local municipal governing body as applicable may waive the requirements of this subsection by a majority vote of the board or local municipal governing body. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county or municipality as applicable is a member if the travel is related to that membership.
- G. **Contingent fee prohibition.** No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person shall, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation, which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the board of county commissioners or local municipal governing body as applicable, any employee authorized to act on behalf of the board of county commissioners or local municipal governing body as applicable, the county administrator or municipal administrator as applicable, or any action or decision of an advisory board or committee. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement if allowed by the rules of the Florida Bar.
- H. **Honesty in applications for positions.** No person seeking to become an official or employee, or seeking any promotion or job reassignment within the public entity that currently employs them, or seeking to enter into a contract or otherwise seeking to provide goods or services to the county or municipality as applicable, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the county or municipality as applicable.
- I. **Disclosure or use of certain information.** A current or former official or employee shall not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person.

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

Sec. 2-444. Gift law.

- A. 1. No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases to the county or municipality as applicable.



2. No vendor, lobbyist, or principal or employer of a lobbyist that lobbies, sells, or leases to the county or a municipality as applicable, shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows, or should know with the exercise of reasonable care, is an official or employee of that county or municipality. For the purposes of this subsection (a)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.
- B.
 1. No advisory board member, or any other person on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist, who lobbies, sells, or leases to the recipient's advisory board or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice.
 2. No vendor, lobbyist, or principal or employer of a lobbyist who lobbies, sells, or leases to an advisory board or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice, shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows, or should know through the exercise of reasonable care, is a member of that advisory board. For the purposes of this subsection (b)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.
 - C. No county commissioner, member of a local governing body, mayor or chief executive officer when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases to the county or municipality as applicable, where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee. No advisory board member or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies, sells, or leases to the recipient's advisory board or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice, where the gift is for the personal benefit of the advisory board member, another advisory board member, another official or employee, or any relative or household member of the official or employee.
 - D. For purposes of this section, a principal or employer of a lobbyist shall include any officer, partner or director of the principal or employer entity, or any employee of a principal or employer who is not an officer, partner or director, provided that the employee knows or should know with the exercise of reasonable care that the principal or employer employs a lobbyist.
 - E. No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
 1. An official public action taken or to be taken, or which could be taken;
 2. A legal duty performed or to be performed or which could be performed; or
 3. A legal duty violated or to be violated, or which could be violated by any official or employee.
 - F. **Gift reports.** Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.
 1. **Gift reports for officials and employees identified by state law as reporting individuals.** Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended, including, but not limited to, the state's definition of gift, exceptions thereto, and gift valuations. The county code of ethics' definition of gift and exceptions thereto shall not be used by reporting individuals to complete and file state gift



reporting disclosures. When a state reporting individual files or is required to file a gift report with the state, a copy of each report shall also be filed with the county commission on ethics no later than ten (10) days after the report is filed with the state. Failure to file a State of Florida Quarterly Gift Disclosure Form with the county commission on ethics within the required timeframe shall be a violation of this section.

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

a. **Personal gifts.** All officials and employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100) so long as those gifts are given to the official or employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the county or municipality as applicable, then the official or employee shall not accept a gift in excess of one hundred dollars (\$100) in accordance with subsections (a)(1) and (b)(1).

b. **All other gifts.** All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than January 31 of each year for the previous calendar year (January 1 through December 31). All officials or employees, who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law. The county code of ethics' definition of gift and exceptions thereto shall be used by non-state-reporting individuals in completing and filing annual gift disclosure reports required by this section.

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

1. Political contributions specifically authorized by state or federal law;
2. Gifts from any relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;
3. Awards for professional or civic achievement;
4. Materials such as books, reports, periodicals or pamphlets that are solely informational or of an advertising nature;
5. Gifts solicited or accepted by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties for use solely by the county or municipality for a public purpose;
6. Publicly advertised offers for goods or services from a vendor under the same terms and conditions as are offered or made available to the general public;
7. Inheritance or other devise;
8. Registration fees and other related costs associated with educational or governmental conferences, meetings or seminars and travel expenses either properly waived or inapplicable pursuant to section 2-443(f), provided that attendance is for governmental purposes, and attendance is related to his or her duties and responsibilities as an official or employee of the county or municipality;



9. A ticket, pass or admission in connection with public events, appearances or ceremonies related to official county or municipal business, if furnished by a nonprofit sponsor organization of such public event, or if furnished pursuant to a contract between the event's non-profit sponsor and the county or municipality as applicable, provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not otherwise a lobbyist or a principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass, or admission must be disclosed in accordance with the gift law reporting requirements of subsections (f)(1) and (f)(2);
10. Expenditures made in connection with an event sponsored by a nonprofit organization funded in whole or in part with public funds whose primary function is to encourage and attract tourism or other business opportunities for the benefit of Palm Beach County or the municipalities as applicable, provided the sponsor organization does not employ a lobbyist, and further provided that the invitation to the event is made by a representative of the sponsor organization and the representative is not otherwise a lobbyist or a principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed in accordance with the gift law reporting requirements of subsections (f)(1) and (f)(2).

H. Solicitation of contributions on behalf of a non-profit charitable organization.

1. Notwithstanding the prohibition on gifts as outlined in subsections (a) and (b), the solicitation of funds by a county or municipal official or employee for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. The solicitation by an official or employee as contemplated herein, is expressly prohibited if made to any person or entity with a pending application for approval or award of any nature before the county or municipality as applicable.
2. To promote the full and complete transparency of any such solicitation, officials and employees shall disclose, on a form provided by the commission on ethics, the name of the charitable organization, the event for which the funds were solicited, the name of any person or entity that was contacted regarding a solicitation or pledge by the official or employee, and the amount of the funds solicited or pledged if known. The form shall be completed legibly and shall be filed with the commission on ethics. The form shall be filed within thirty (30) days from the occurrence of the event for which the solicitation was made, or if no event, within thirty (30) days from the occurrence of the solicitation.

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

Sec. 2-445. Anti-nepotism law.

An official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the county or municipality as applicable in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the county or a municipality if such appointment, employment, promotion, or advancement has been advocated by an official, serving in or exercising jurisdiction or control over the county or municipality as appropriate, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative or domestic partner of the individual is a member. However, this section shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than thirty-five thousand (35,000) population. This section does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide. Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

1. For the purposes of this section, "official" means any official or employee in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion,



or advancement in connection with employment in the county or municipality as applicable.

2. For the purposes of this section, “relative” means spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

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

Sec. 2-446. Ethics training.

- A. Officials and employees, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The county administrator or municipal administrator, as applicable, shall establish, by policy, a mandatory training schedule for all officials, employees, and local government attorneys as defined in Florida Statutes §112.313, which shall include mandatory periodic follow-up sessions. This policy may also address ethics training for entities that receive county or municipal funds as applicable.
- B. The commission on ethics shall develop and deliver, or contract with other entities to develop and deliver, training programs. The commission on ethics shall coordinate and cooperate with all affected county or municipal entities, departments, agencies, boards, councils and commissions to ensure that effective and meaningful training experiences are delivered in a timely and efficient manner.

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

Sec. 2-447. Noninterference.

It shall be a violation of this article for any person: (a) to retaliate against, punish, threaten, harass, or penalize any person for communicating, cooperating with, or assisting the commission on ethics or the inspector general; or (b) to interfere, obstruct or attempt to interfere or obstruct without valid legal basis any investigation conducted by the commission on ethics or the inspector general.

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

Sec. 2-448. Administration, enforcement and penalties.

- A. The commission on ethics shall be empowered to review, interpret, render advisory opinions, and enforce this code of ethics pursuant to the procedures established in the county commission on ethics ordinance. Jurisdiction of the commission on ethics with respect to advisory opinions rendered shall extend to all county and municipal officials and employees, and all other persons and entities required to comply with the provisions of this code and the county lobbyist registration ordinance, including but not limited to lobbyists, their employers and principals, and contractors and vendors and their employees.
- B. A finding by the commission on ethics of a violation of any part of this article shall subject the person or entity to public reprimand, a fine of up to five hundred dollars (\$500), or both. The commission on ethics may also order the person or entity to pay restitution when the person or entity or a third party has received a pecuniary benefit as a result of the person’s violation.
- C. Upon a finding of the commission on ethics or hearing officer that a violation of this article or the lobbyist registration ordinance resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by the county or municipality as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the board of county commissioners or the local municipal governing body as applicable.
- D. The commission on ethics may refer willful violations of sections 2-443, 2-444(a), 2-444(b), 2-444(c), 2-444(e), or 2-447 to the state attorney when deemed appropriate. Pursuant to Florida Statutes, §125.69, a person who violates the sections of the article set forth in this section 2-448(d) shall be subject to prosecution in the name of the state in the same manner as first degree misdemeanors are prosecuted, and upon conviction, such person may be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed one (1) year, or both.

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





Honesty - Integrity - Character

300 North Dixie Highway, Suite 450
West Palm Beach, FL 33401
ethics@pbcgov.org
561-355-1915