

ORDINANCE NO. 2024-1779

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VII. - "CODE OF ETHICS" BY AMENDING SECTIONS 2-230 EXPLOITATION OF OFFICIAL POSITION PROHIBITED; AMENDING SECTION 2-233 CONFLICT OF INTEREST; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

1 **WHEREAS**, the Town of Surfside ("Town") Commission adopted a Code of Ethics
2 on April 10, 2007 establishing standards of conduct for current and former town officials,
3 employees and persons doing business with the Town; and

4 **WHEREAS**, the Town Commission subsequently amended the Code of Ethics on
5 January 15, 2013 pursuant to Ordinance 2013-1599; December 9, 2014 pursuant to
6 Ordinance 2014-1628; February 16, 2017 pursuant to Ordinance 2017-1667; March 13,
7 2018 pursuant to Ordinance 2018-1679; December 11, 2018 pursuant to Ordinance
8 2018-1692; and October 10, 2019 pursuant to Ordinance 2019-1703, to impose additional
9 regulations for Town elected officials; and

10 **WHEREAS**, the Town Commission finds that high ethical standards governing the
11 conduct of public officers and employees are important and serve the public interest, and
12 desires to further amend the Code of Ethics in Article VII of the Town Code to preclude
13 elected officials of the Town from receiving any direct or indirect financial income or
14 benefit by voting on any item coming before the Town Commission while in office and for
15 a period of time thereafter; and

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17 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
18 **TOWN OF SURFSIDE, FLORIDA:**

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20 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated
21 herein by this reference.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

22 **Section 2. Town Code Amended.** Article VII. – “Code of Ethics” of the Surfside
23 Town Code of Ordinances is hereby amended and shall read as follows:

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25 **ARTICLE VII. - CODE OF ETHICS**

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29 **Sec. 2-230. - Exploitation of official position prohibited.**

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31 (a) No advisory personnel, autonomous personnel, candidate, commissioner,
32 departmental personnel, employees, officers or quasi-judicial personnel shall
33 use or attempt to use an official position to secure special privileges or
34 exemptions for that person or others ~~except as may be specifically permitted~~
35 ~~by other ordinances and resolutions previously adopted or hereafter adopted~~
36 ~~by the town commission.~~ Notwithstanding any provision of this Code of Ethics,
37 no elected official who votes on an item may thereafter benefit, financially or
38 as otherwise precluded by this Code of Ethics, directly or indirectly, from work
39 or services rendered for any person, property or business located in Town
40 resulting from said vote.

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42 (b) Continuing application for two (2) years after town service.

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44 (1) No person who has served as an elected town official shall for a period of
45 two (2) years after his or her town service has ceased, lobby any town
46 commissioner, officer or departmental personnel or employee in connection
47 with any judicial or other proceeding, application, RFP, RFQ, bid, contract,
48 claim, controversy, charge, accusation, arrest or other particular subject
49 matter in which the town or one of its departments or instrumentalities is a
50 party or has any interest whatever, whether direct or indirect. Further, upon
51 leaving elected office and for two (2) years thereafter, no former elected
52 official may benefit, financially or as otherwise precluded by this Code of
53 Ethics, directly or indirectly, from work or services rendered for any person,
54 property or business located in Town resulting from any vote on an item made
55 as an elected official.

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57 (2) No former advisory personnel, autonomous personnel, officer or quasi-
58 judicial personnel shall for a period of two (2) years after his or her town
59 service has ceased, lobby the town board or committee on which he or she
60 served in connection with any matter related to the board or committee's
61 enforcement, oversight or authority.

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65 **Sec. 2-233. - Conflict of interest.**

67 To avoid misunderstandings and conflict of interests, which could arise, the
68 following policy will be adhered to by employees and officers of the town. This policy
69 is in accordance with F.S. § 112.311 et seq., code of ethics for public officers and
70 employees.
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- 72 (1) Employees and officers shall not accept any gifts, favors, or services
73 that may reasonably tend to improperly influence them in the discharge
74 of their official duties;
- 75 (2) Employees and officers shall not use or attempt to use their position to
76 secure special privileges or exemptions for themselves or others;
- 77 (3) Employees and officers shall not accept employment or engage in any
78 business or professional activity, which they may reasonably expect,
79 would require or induce them to disclose confidential information
80 acquired by them by reason of their official position;
- 81 (4) Employees and officers shall not disclose confidential information gained
82 by reason of their official position, nor shall they otherwise use such
83 information for their personal gain or benefit;
- 84 (5) Employees and officers shall not have personal investment in any
85 enterprise, which will create a conflict between their private interest and
86 the public interest;
- 87 (6) Employees and officers shall disclose to the town clerk, upon a form
88 created by the town clerk, any direct or indirect interest in any for profit
89 business relationship and any interest in real property which the
90 employees and officers hold with any other employee or officer;
- 91 (7) In addition to the foregoing, town commissioners shall disclose to the
92 town clerk, upon a form created by the town clerk, any direct or indirect
93 interest in non-homesteaded real property located within the town within
94 30 days upon purchasing said property. (Upon the passage of this
95 article, the town commissioners shall have 30 days from the effective
96 date, to file disclosure.) Thereafter, the town commissioners will be
97 required to file the real property disclosure in accordance with this sub-
98 paragraph (7) on a yearly basis along with his/her Form 1. However, if
99 for any reason the town clerk does not receive same, s/he shall, in writing
100 and via certified mail, request such official who has failed to file the
101 required disclosure to do so. Thereafter, failure to make this filing, within
102 ten days from receipt of the clerk's notice, shall result in the same
103 penalties as failure to file a Form 1 disclosure as required by the county
104 and state.
- 105 (8) Notwithstanding any other provision of this Code of Ethics, all elected
106 officials in office shall, on January 15 and July 15 of each year, or the
107 first business day thereafter if a non-workday, beginning in the year
108 2025, declare to the Town Clerk in writing, all sources of income, passive
109 or active, directly or indirectly, from work or services rendered for any
110 person, property or business located in Town for the time period between
111 the current and past report. If none, the declaration is still required and
112 shall state None.

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Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Conflict. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 18th day of June, 2024.

PASSED AND ADOPTED on second reading this 9th day of July, 2024.

First Reading:

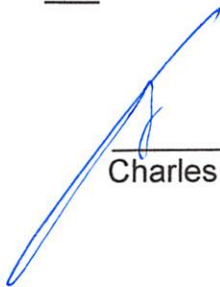
Motion by: Commissioner Velasquez
Second by: Commissioner Vildostegui

Second Reading:

Motion by: Commissioner Coto
Second by: Commissioner Velasquez

FINAL VOTE ON ADOPTION

Commissioner Ruben A. Coto	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>



Charles W. Burkett, Mayor

159 **ATTEST:**

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163 For 
164 Sandra N. McCready, MMC
165 Town Clerk



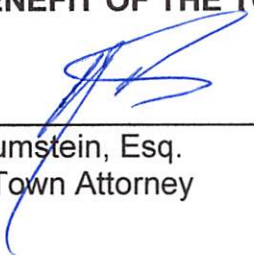
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166 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
167 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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172 Mark Blumstein, Esq.
173 Interim Town Attorney

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