

Jacob G. Horowitz
jhorowitz@cityatty.com



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

GCDE ETHICS ADVISORY OPINION

To: Commissioner Jason Joffe

From: Michael D. Cirullo, City Attorney *MDC*
Jacob G. Horowitz, Assistant City Attorney *JGH*

Date: November 22, 2016

Re: City of Lighthouse Point (“City”) / Code of Ethics – Advisory Opinion

I. ISSUE AND FACTS PRESENTED

You have asked the City Attorney’s Office to provide an advisory opinion examining whether you are permitted to advocate before members of the Fifteenth Judicial Circuit Nominating Commission (“JNC”) on behalf of an applicant for an appointment to the circuit court.

II. ANSWER

Based on the information provided, you **are legally permitted** to advocate on behalf of an applicant seeking appointment to the Fifteenth Judicial Circuit Court before the JNC and its members. The Broward County Code of Ethics for Elected Officials (the “Code”) **expressly prohibits** elected officials from lobbying “covered individuals,” as defined by the Code. The definition of “covered individuals” is **limited to individuals and entities within Broward County**, and members of the JNC **are not included** within the definition.

III. ANALYSIS

Section 1-19(c)(2)(a) of the Code of Ethics expressly provides as follows:

Elected Officials **shall not lobby any covered individual**. Such lobbying is deemed to be in substantial conflict with the proper discharge of an Elected Official’s duties in the public interest.

{00160038.1 1547-9902061}

Please reply to Fort Lauderdale Office

Fort Lauderdale Office
3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4923

Delray Beach Office
76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

www.cityatty.com

Section 1-19(b)(2) defines “covered individual” as follows:

(i) any member of the Board of County Commissioners; (ii) any member of a governing body of any municipality within Broward County; and (iii) any municipal mayor. For purposes of the prohibition on lobbying under section (c)(2) below, "Covered Individual" also includes (i) any member of a final decision-making body under the jurisdiction of the Board of County Commissioners or under the jurisdiction of the governing body of any municipality within Broward County; (ii) any individual directly appointed to a County or municipal employment position by the Board of County Commissioners, by a governing body of any municipality within Broward County, or by a municipal mayor; (iii) any individual serving on a contractual basis as a municipality's chief legal counsel or chief administrative officer, when such individual is acting in his or her official capacity; (iv) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a County or municipal procurement; (v) any employee, any official, or any member of a committee of Broward County or of any municipality within Broward County that has authority to make a final decision regarding a public procurement; (vi) the head of any department, division, or office of Broward County or of any municipal government who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority; and (vii) members of other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.

The Fifteenth Judicial Circuit operates in and for Palm Beach County. Note that the definition of “covered individuals” is limited to positions and entities located **within Broward County**. Members of the JNC **are not** included within the definition set forth above; and therefore, the prohibition on lobbying (or advocating) would not apply to any communications that you might have with the JNC or its members.

IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney’s Office that members of the Fifteenth Judicial Circuit Nominating Commission **are not** “covered individuals,” as defined by the Broward County Code of Ethics, and that you **are legally permitted** to advocate before the JNC and its members on behalf of an applicant for an appointment to the circuit court.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Broward County Code of Ordinances and may be relied upon by the individual who made the request. This analysis is limited solely to the facts presented. Please contact our office if there is any additional information that we can provide.