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MEMORANDUM

TO: Commissioner Barbara Sharief

FROM: Rocio Blanco Garcia, Assistant County Attorney

DATE: June 12, 2018

RE: **Outside Concurrent Employment Disclosure Requirements**
CAO File: 18-05(E)

You have inquired as to whether Section 1-19(c)(2) of the Broward County Code of Ethics ("Code") requires that you file a quarterly outside/concurrent employment disclosure form where you are serving as interim business manager to a friend's company. You have informed our office that you are not receiving any compensation, whether monetary or otherwise, for your services as interim business manager. If you believe that any of these facts are not accurate, please let us know, as different facts may affect our analysis.

Section 1-19(c)(2) provides that "Elected Officials may engage in other employment consistent with their public duties and where not otherwise inconsistent with [Florida law]." However, "[a]ll outside concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from the employment, must be disclosed [quarterly]."

The Code defines "Outside or Concurrent Employment" as the provision of "services for any person or entity, other than the Elected Official's governmental employer, in exchange for remuneration." BC Code of Ords. 1-19(b)(10) (emphasis added). This definition is consistent with the Florida Commission on Ethics' opinion that "employment" requires compensation or some other form of consideration. See, e.g., CEO 80-29. Similarly, the Florida Commission on Ethics has opined that, with some limited exceptions, uncompensated service does not constitute a contractual relationship. See, e.g., CEO 06-26.

While the Code requires quarterly disclosure of an employment relationship and any remuneration received pursuant thereto, because your service as interim business manager is offered purely on a voluntary basis and without any compensation, whether monetary or otherwise, an employment relationship requiring disclosure does not exist

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between you and your friend's entity. Accordingly, your service as interim business manager is not subject to the disclosure requirement of Section 1-19(c)(2).

If we may be of further assistance regarding this matter, please let us know.



Rocio Blanco Garcia
Assistant County Attorney

RBG/ab