



BROWARD COUNTY CODE OF ETHICS ADVISORY OPINION

To: Commissioner Mike Hernandez

From: Samuel S. Goren, City Attorney *SSG*
Jacob G. Horowitz, Assistant City Attorney *JGH*

Date: November 18, 2024

Re: City of Pembroke Pines (“City”) / Code of Ethics – Advisory Opinion

I. ISSUE AND FACTS PRESENTED

On May 15, 2024, you were appointed as interim commissioner to fill the District 4 vacancy on the City Commission created by Angelo Castillo’s resignation to run for mayor. In accordance with Sec. 3.11 of the City Charter, you would continue to serve as the District 4 interim commissioner until a special election could be held to fill the commission vacancy for the remainder of then-Commissioner Castillo’s unexpired term. A special election to fill the District 4 vacancy was held on November 5, 2024, concurrent with the general election. On November 5, you were elected at the special election to fill the District 4 vacancy for the remainder of the unexpired term.

On June 4, 2024, following your appointment as interim commissioner, you received four (4) hours of ethics training in a live setting from the City Attorney’s Office. On August 29, 2024, you attended a four-hour ethics training seminar hosted by the Broward County Office of the Inspector General (“OIG”). Both training sessions were completed prior to your election on November 5, 2024.

In light of the foregoing, you have inquired as to whether you have completed the ethics training requirement for newly elected officials, as well as the annual ethics training requirement established by the Broward County Code of Ethics (the “Code of Ethics” or “Code”) for 2024.

II. ANSWER

The training you received and completed on June 4, 2024, and August 29, 2024 satisfied the ethics training requirement for newly elected officials and the annual ethics training requirement, respectively. *Section 1-19(C)(1)(e), Broward County Code of Ordinances.*

III. ANALYSIS

The Code of Ethics requires newly elected officials to receive a minimum of four (4) hours of ethics training within one hundred twenty (120) days after taking office. While you were not formally elected to fill the District 4 vacancy on the City Commission until November 5, you were appointed as an interim commissioner on May 15, 2024 and assumed office on that date. The intent of the newly elected training requirement is to ensure that newly elected officials are made aware of the county's ethics rules shortly after taking office. You took office upon your May 15 appointment by the City Commission and received in-person ethics training by the City Attorney's Office on June 4, 2024. Therefore, in our opinion, you have satisfied the ethics training requirement for newly elected officials, are not legally required to complete any additional training as a newly elected official following your November 5, 2024 election to formally fill the District 4 vacancy.

The Code of Ethics further establishes a four-hour annual training requirement for all elected municipal officials. On August 29, 2024, you attended and completed a four-hour training seminar hosted by the OIG on the Sunshine Law, public records, and public service ethics, including the County's Code of Ethics. Notwithstanding the fact that this training was completed while you were an interim commissioner and prior to your formal election on November 5, 2024, it is our opinion that you have completed the annual four-hour training requirement pursuant to the Code.

In other words, you have completed eight (8) hours of ethics training within your first six (6) months in office as an interim commissioner, including four (4) hours within one hundred twenty (120) days of your appointment. You have fully satisfied the ethics training requirement for 2024, and filed the necessary certifications with the clerk's office. As the District 4 commissioner, you will be required to receive another four (4) hours of ethics training during 2025.

IV. CONCLUSION

For the reasons set forth herein, it is the opinion of the City Attorney's Office that you have satisfied all ethics training requirements set forth in the Broward County Code of Ethics for 2024, including the requirements for newly elected officials.

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. Within fifteen (15) days of receiving this opinion, a copy must be sent in a searchable "pdf" format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of advisory opinions maintained by the County.

Please contact our office if there is any additional information that we can provide.