

6.3.14 #1

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Recommendation to Adopt a Proposed Ordinance Amending Section 2-88 of the
Pinellas County Code Relating to the Regulation of Former Appointed County
Officials and Employees

DATE: June 3, 2014

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS ADOPT A PROPOSED ORDINANCE AMENDING SECTION 2-88 OF THE PINELLAS COUNTY CODE RELATING TO THE REGULATION OF FORMER APPOINTED COUNTY OFFICIALS AND EMPLOYEES.

DISCUSSION: The Pinellas County Code limits current and former employees in the way they may contract with the Board. Statutory law allows the County to adopt additional restrictions on appointed County officers and employees personally representing another person or entity for compensation before the governing body or agency of which such people were employed. Florida Statutes, §112.313(13). In 2011, the Board adopted such restrictions, for certain employees under the County Administrator, which are codified at Pinellas County Code Section 2-88. The proposed amendments make it clear that the restrictions apply to the County Administrator. To clarify those restrictions, it is recommended that the amendments in the attached draft ordinance be adopted. A copy of the strikethrough as well as clean version of the proposed ordinance is attached.

This code section does not cover the County Attorney or his employees; however, the County Attorney and all Assistant County Attorneys are separately restricted in their post-employment activities by both statutory law and the Rules of Professional Responsibility.

JLB:CS:sme

Attachments

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ORDINANCE NO. 14-__

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 2-88 OF THE PINELLAS COUNTY CODE, RELATING TO REGULATION OF FORMER EMPLOYEES OF PINELLAS COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE, PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida ("Board") pursuant to Sections 125.01 and 112.313(13), Florida Statutes, is empowered to limit former employees from representing other persons or entities before the governing body or agency of which the individual was an employee in certain circumstances; and

WHEREAS, it has been determined that under certain circumstances, stated herein, it is in the best interests of the County to adopt such limitations.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, at a meeting duly assembled this _____ day of _____, 2014:

Section 1. The Pinellas County Code is hereby amended by amending~~adding~~ the following provisions of Section 2-88:

Section 2-88. Regulation of Former Employees:

In addition to the restrictions in the Code of Ethics for Public Officers and Employees found in the Florida Statutes, the following restrictions shall apply to the Pinellas County Administrator and his or her former ~~employees of the Pinellas County Administrator:~~

Post employment restrictions.

For a period of one (1) year following separation from service, regardless of the reason or cause of such separation, no former County employee holding a position designated for Equal Employment Opportunity reporting in the Officials and Administrators Category in the last EEO report filed prior to such employee's separation shall personally represent another person or entity for compensation before Board of County Commissioners or any of its divisions, departments, agencies or boards. This restriction does not apply to representation for the purposes of collective bargaining.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 3. Inclusion in the Pinellas County Code.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 4. Amendment of Proposed Ordinance at Public Hearing

Any section, subsection, sentence, clause, phrase or provision of this Ordinance as proposed may be amended, added, or deleted by majority vote of the Board of County Commissioners as a result of matters raised at the public hearing or in consultation with responsible authorities, and in such event, the amendments, additions or deletions shall be validly adopted without additional advertisement or hearing.

Section 5. Filing of Ordinance; Effective Date.

In addition to the notices to the Department of Revenue as provided herein, and pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk within ten (10) days after the enactment by the Board. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

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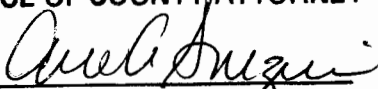
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APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY
By 
Attorney