

CHAPTER 74 - ETHICS

Sec. 74.1. - Ownership disclosure requirements in land development applications.

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Sec. 74.1.- Ownership disclosure requirements in land development applications.

- (a) All applications which request rezoning, a comprehensive plan amendment, a special exception, or a variance within unincorporated Seminole County shall include the identification of each person, corporation, partnership, or trust as well as the identity of contract purchasers, if any, who have ownership or an equitable ownership interest in the real property which is the subject matter of the application. Applications initiated by the County shall be required to include only ownership or equitable ownership information as reflected on the tax rolls. Forms pertaining to the identification of owners shall be made available by the Director of Planning and Development. An executed and notarized disclosure form must be submitted prior to an application being deemed complete. Without the submittal of the required disclosure form (for non County-initiated applications), the Director of Planning and Development shall not deem the application complete and shall not forward the application for staff review or schedule it for public hearing before either the Planning and Zoning Commission, the Board of Adjustment or the Board of County Commissioners. The County shall maintain completed forms on file for public inspection.
- (b) Agenda materials distributed to the Planning and Zoning Commission, the Board of Adjustment, or the Board of County Commissioners, concerning all public hearings on an application, shall include a copy of the completed disclosure form.
- (c) The identification of owners required by this section shall include the following information, as to each type of owner:
 - (1) All natural persons who have an ownership interest in the property that is the subject matter of the application, by name and address.
 - (2) For each corporate owner, the name and address and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns two percent or more of the stock of the corporation. Provided, however, that shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national stock exchange.
 - (3) In the case of a trust, the name and address of each trustee and the name and address of the beneficiaries of the trust. If any trustee or beneficiary of a trust is a corporation, the identification requirements of subsection (2) above shall apply.
 - (4) For partnerships, including limited partnerships, the name and address of each principal in the partnership, including general or limited. If any partner is a corporation, the identification requirements of subsection (2) above shall apply.
 - (5) In the circumstances of a contract for purchase, the name of each contract purchaser, along with the names and addresses which are required by the appropriate subparagraphs above for corporations, trusts or partnerships who file an application. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of the application.
 - (6) As to any type of owner referred to in this section, a change of ownership occurring subsequent to the application submission, shall be disclosed to the Director of Planning and Development prior to the date of the public hearing on the application by either the Planning and Zoning Commission, Board of Adjustment or the Board of County Commissioners. This supplemental disclosure shall be made in writing.
 - (7) If an applicant claims that disclosure of an ownership interest would violate the confidentiality requirements of any applicable law or regulation, the applicant must: (1) so state on the disclosure form, (2) cite the statute or regulation that prohibits disclosure of such ownership interest, and (3) submit an opinion of legal counsel indicating that disclosure would violate the cited statute or regulation. The County Attorney's Office shall review all applications that contain

an assertion of confidentiality to verify the legal existence of the confidentiality requirement cited. Upon such verification, the application may be processed without disclosure but it will be the applicant's responsibility to defend and hold harmless the County regarding any litigation challenging the non-disclosure or the applicability of the confidentiality requirement to the applicant.

- (8) Upon a judicial determination that an application for rezoning, comprehensive plan amendment, special exception, or variance was obtained without disclosure of ownership interests as required hereby, the approval of such application shall be void, provided any such action was filed within the time allowed for appeal of the underlying determination. No action filed after the jurisdictional deadline for an appeal of the underlying land use decision shall result in the voiding of that decision.

(Ord. No. 2007-23, § 2, 7-24-07)

Editor's note— Section 5 of Ord. No. 2007-23 provides for an effective date of Oct. 1, 2007.

Sec. 74.2.- Ethical Standards for County Officials and Employees.

County officials and employees shall strive to adhere to the following ethical standards:

I. Serve the Public Interest.

- (a) Exercise discretionary authority to promote the public interest.
- (b) Oppose unlawful forms of discrimination and harassment.
- (c) Recognize and support the public's right to know the public's business.
- (d) Involve citizens in policy decision-making.
- (e) Respond to the public in ways that are complete, clear, and easy to understand.
- (f) Assist citizens, in their dealings with government.
- (g) Be prepared to make decisions that may not be popular.

II. Respect the Constitution and the Law.

- (a) Understand and apply legislation and regulations relevant to their professional role in a fair and even handed manner.
- (b) Work to improve and change policies that are counterproductive and obsolete.
- (c) Eliminate unlawful discrimination.
- (d) Prevent mismanagement of public funds by establishing and maintaining strong fiscal and management controls.
- (e) Respect and protect privileged information.
- (f) Promote constitutional principles of equality, fairness, responsiveness, and due process in protecting citizens' rights.

III. Demonstrate Personal Integrity.

- (a) Maintain truthfulness and honesty and not compromise them for advancement, honor, or personal gain.
- (b) Guard against conflicts of interest or the appearance thereof: e.g., nepotism, improper outside employment, misuse of public resources, or the acceptance of unlawful gifts.
- (c) Respect superiors, subordinates, colleagues, and the public.
- (d) Take responsibility for one's own errors.

IV. Promote Ethical Organizations.

- (a) Enhance organizational capacity for open communication, creativity, and dedication.
- (b) Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
- (c) Provide organization members with an administrative means for dissent, assurance of due process, and safeguards against reprisal.
- (d) Promote merit principles that protect against arbitrary and capricious actions.
- (e) Promote organizational accountability through appropriate controls and procedures.

V. Strive for Professional Excellence.

- (a) Provide support and encouragement to upgrade competence.
- (b) Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.
- (c) Encourage others, throughout their careers, to participate in professional activities and associations.

These ethical standards for County officials and employees are enacted pursuant to Part III of Chapter 112, Florida Statutes (1993), and are not intended to authorize any conduct prohibited by that Chapter.

(Ord. No. 2008-16, § 1, 3-25-08)

Sec. 74.3.- Code of Ethics.

The Code of Ethics as provided by general law shall have full effect on the Seminole County Board of County Commissioners, advisory boards of Seminole County, and employees of Seminole County and shall be strictly adhered to by all officials, employees and others to whom they apply. Relevant provisions of the Code of Ethics as currently codified in Florida Statutes are attached hereto as Exhibit A. In addition to those provisions, the following additional provision shall apply:

- (1) No County Commissioner, County employee, member of Seminole County Board of Adjustment or Planning and Zoning Commission shall, during the term of his or her employment or office, accept compensation from a person or entity, other than Seminole County, to communicate with an elected official of any municipality in Seminole County in order to influence any future action of that official in his or her government capacity.
- (2) Individuals covered by this Code shall not use its provisions to further frivolous claims against another. Frivolous claims shall be those forwarded with knowledge that the claim contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this Code.

(Ord. No. 2008-16, § 2, 3-25-08)

Editor's note— Exhibit A referred to herein is not set out but is on file in the offices of the County.

Sec. 74.4.- Enforcement.

Violations of Code of Ethics set forth in Section 74.3 of this Part may constitute grounds for suspension or removal from office, pursuant to applicable statutory and constitutional procedures. Any employee who violates any of the provisions set forth in this Part may be subject to employment sanctions, including but not limited to reprimand, suspension, or discharge in accordance with procedures under which the employee may otherwise be disciplined. Any Advisory Board Member who violates any of the provisions set forth in this part may be removed from any and all County Boards or Committees by vote of the Board of County Commissioners in addition to any procedure provided by statute, ordinance or policy of the County.

(Ord. No. 2008-16, § 3, 3-25-08)