

City of Fort Lauderdale Attorney Opinion

From: Candace Duff

Sent: Monday, October 03, 2016 12:43 PM

To: Maxine Singh

Cc: Cynthia Everett; Paul Bangel

Subject: RE: Hope South Florida's 2016 Taste Hope Gala - Fri, Nov 4th, 2016

Dear Maxine:

You asked whether any ethical implications/disclosure requirements arise as a result of the commissioners accepting complimentary charitable event tickets having a face value of \$100 from Hope South Florida.

As we discussed last week, the short answer is that acceptance of the tickets is not precluded by either the state or Broward County ethics codes; however, the Commissioners will need to file a disclosure form called "Acceptance of Admission Tickets to Charitable Events" for public inspection and reimburse the charity for the value of the food and beverages to be consumed at the event.

Pursuant to Section 112.3148(4), Florida Statutes, a reporting person is precluded from accepting a gift valued in excess of \$100 from a lobbyist, vendor or political committee. In this case, the ticket has a value of \$100. We checked and Hope South Florida is neither a vendor nor a lobbyist of the City or a political committee. Given these facts, we do not believe that the state ethics code prohibits accepting the tickets. Please note, however, that The Florida Commission on Ethics is the only entity authorized to give binding opinions on the state code of ethics upon which one may rely.

Under Section 1-19(c)(1)b of the Broward Code, the commissioners may accept gifts valued up to \$50 in their official capacities from an entity that is not a registered lobbyist or vendor of the City. Since the City is being honored at the gala, the tickets are being offered to them in their official capacities. Also, HOPE South Florida is neither a vendor nor a lobbyist of the City. However, since the food and beverage cost portion of the tickets are valued in excess of \$50.00 (\$60.00 to be exact), the tickets have a value in excess of the \$50.00 limit.

Under Section 1-19(c)(1)d of the Code, commissioners are allowed to accept admission tickets to charitable events "available to the public" with a value of over \$50 ; however, they must: (1) file a disclosure form for public inspection within 15 days of receiving the tickets, stating the name of the donor, the value of the tickets received, and the date and location of the event, and (2) within thirty (30) days of the event, they must reimburse the donor for the value of the food and beverages consumed by the person(s) using the tickets.

You have ascertained that the value of the food and beverages to be served at the event is \$60.00. This morning, I asked Carol "Jodie" Breece – ethics counsel for the Office of Inspector General – whether the Commissioners would be required to reimburse the full food and beverage cost (\$60.00) or only that portion of the costs exceeding the \$50.00 limit. She confirmed that the full \$60.00 must be reimbursed to the charity by each commissioner.

I am available if you should have any additional questions.

Thanks,

Candace R. Duff | Assistant City Attorney

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