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**Memorandum**

**To:** Commissioner Mark A. Douglas  
**From:** Kimberly A. Kisslan, City Attorney *KAK*  
**Date:** December 15, 2016  
**Re:** City of Sunrise/Code of Ethics – Advisory Opinion- 2016-07

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You have advised that you are president of Villa Biarritz Condominium Association, Inc. (Villa Biarritz). Villa Biarritz collects dues from its homeowners. Utilizing those dues, Villa Biarritz puts on an annual holiday party for its homeowners. The per person cost for the holiday party is \$30.00. If you have reason to believe any of these facts are inaccurate or incorrect in any way, please let me know because it may affect my opinion. You have asked what, if any, reporting obligations you would have in attending the holiday party.

Section 1-19(c)(1)a-c of the Broward County Elected Official Code of Ethics provides that an elected official shall not “accept any gift, directly or indirectly, with a value in excess of \$5.00” from lobbyists, principals of lobbyists, vendors or contractors of their governmental entity; an elected official may accept an official gift up to a maximum value of \$50.00; and that the \$50.00 limitation does not apply to gifts given to elected officials in their personal (nonofficial) capacity. Section 112.3148, Florida Statutes, requires the reporting of any gift in excess of \$100 unless the gift is from specified individuals.

According to the records from the City Clerk, Finance, Purchasing, Leisure Services and the City Manager, Villa Biarritz Condominium Association, Inc. is not a lobbyist, principal of a lobbyist, vendor or contractor of the City. Accordingly, the prohibition on gifts in excess of \$5.00 as set forth in the Broward County Elected Official Code of Ethics does not apply. The gift is not being given to you in your official capacity, but arises out of your payment of dues as a homeowner in Villa Biarritz and your service as a President of Villa Biarritz. Under Florida Statutes section 112.312, a “gift” is defined as not including gifts or expenses associated primarily with your service as an officer or director of a corporation.

Based on the forgoing, it is my opinion that you may attend the holiday party valued at \$30.00 without violating the Broward County Elected Official Code of Ethics. Because the gift is less than \$100, you do not have any reporting obligation under state law.

This advisory opinion is limited solely to the facts presented, is issued pursuant to Section 1-19(c)(8) of the Elected Official Code of Ethics, and may be relied upon by the individual who made the request. Please contact me if there is any additional information that I can provide. I will provide a copy of this advisory opinion in a searchable “pdf” format to [ethicsadvisoryopinions@broward.org](mailto:ethicsadvisoryopinions@broward.org) within 15 days to ensure your compliance with Section 1-19(c)(8)c of the Elected Official Code of Ethics.