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**GOREN CHEROF  
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ATTORNEYS AT LAW

## GCDE ETHICS ADVISORY OPINION

To: Commissioner Jerry Graziose

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

Date: January 11, 2017

Re: City of North Lauderdale (“City”) / Code of Ethics – Advisory Opinion

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### I. ISSUE AND FACTS PRESENTED

You have indicated that the Broadview/Pompano Park Civic Association (the “Association”) is holding their annual dinner on January 12, 2017 at GG’s Italian Restaurant in North Lauderdale. The Association has invited you to attend. The Association has advised that the cost of the meal to each invitee will not exceed twenty-five dollars (\$25.00). The Association is not a City vendor, contractor or lobbyist.

### II. ANSWER

Based on the information provided, the meal you will be given at the Association’s annual dinner would constitute a “gift” in your official capacity. The Broward County Code of Ethics for Elected Officials (“Code of Ethics”) provides a fifty dollars (\$50.00) limit on gifts given to elected officials in their official capacity. Since the value of the meal will not exceed twenty-five dollars (\$25.00), you are **legally permitted** under the Code of Ethics to attend the event and accept the meal from the Association.

### III. ANALYSIS

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Please reply to Fort Lauderdale Office

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The Code of Ethics expressly incorporates the definition of “gift” from Section 112.312, F.S. Section 112.312(12)(a)(8), F.S., specifically includes “food or beverage” within the definition of gift. Therefore, the meal provided by the Association **is a gift** under Florida law and the Code of Ethics.

Section 1-19(c)(1)(b) of the Code of Ethics expressly provides, in relevant part, as follows:

Elected Officials may accept gifts from other sources given to them in their **official capacity**, where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes, up to a **maximum value of \$50.00 per occurrence**. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis*.

For purposes of this section, “other sources” are those sources which **are not** City vendors, lobbyists and/or contractors. The Association is not a vendor, lobbyist or contractor of the City. Therefore, the Association is considered an “other source,” and, as an elected official, you may legally accept a gift from the Association up to a maximum value of \$50.00 per occurrence. You have indicated that the value of the meal will not exceed \$25.00. Therefore, the meal **is a legally permissible gift** under the Code of Ethics. Further, such a gift from the Association **is not** otherwise inconsistent with Ch. 112, F.S.

#### IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney’s Office that you **are legally permitted** to accept an invitation to attend the annual dinner of the Broadview/Pompano Park Civic Association, including the meal, as a gift in your official capacity.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Code of Ethics, 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](mailto: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.