

City Attorney's Communication #2017-649

May 11, 2017

The Honorable Commissioner Barry Moss
City of Pompano Beach
100 W. Atlantic Boulevard
Pompano Beach, Florida 33060

Dear Commissioner Moss:

You have asked for a legal opinion as to whether without paying compensation you would be allowed to attend, on behalf of the City of Pompano Beach, the Broward League of Cities 60th Annual Installation Gala on June 3, 2017. You advised that the city has purchased a ticket to the event so that you may attend the event as part of your duties as Commissioner of the city.

It is my opinion that you are allowed to attend such an event without paying compensation as the event is associated primarily with your employment and, therefore, not considered a gift in accordance with Florida Statute §112.312. If your attendance were a gift, you would have to pay appropriate compensation to attend.

Section 1-19(b) of the Broward County Code of Ethics ordinance provides as follows:

All operative words or terms used in this Code not defined herein shall be as defined, in order of priority in the event of inconsistency, by Part III of Florida Statutes Chapter 112.

The Broward County Code of Ethics does not provide a definition for the meaning of a "gift" and therefore we must look to the definition provided for in the Florida Statutes.

Pursuant to Florida Statute §112.312(12)(b) "Gift" does not include:

- 1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.*

Since city officials across Broward County will be attending this event and you would be attending this event on behalf of Pompano Beach in a representative capacity to further the promotion and business interests of the city, any benefit received is not considered a gift, no compensation would be due to the City for attending the event and thus there could be no violation of the gift provisions of the Broward County Ordinance.

Honorable Commissioner Moss
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Please do not hesitate to contact me should you require any additional clarification about the opinion rendered herein.

Sincerely,

MARK E. BERMAN
City Attorney

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