

**MEMORANDUM**

**TO:** Commissioner Chip LaMarca

**FROM:** Rocio Blanco Garcia, Assistant County Attorney

**DATE:** November 21, 2017

**RE:** **Greater Fort Lauderdale Alliance Working Lunch at Signature Grand**

You have inquired as to whether you may attend a working lunch to which you were invited by the Greater Fort Lauderdale Alliance ("Alliance"). Specifically, you would like to know whether you have any reimbursement obligations where your attendance at the lunch is as part of your service as a member of the Alliance, and where the lunch is being sponsored by and held at the Signature Grand.

A search of our databases has revealed that the Alliance is a principal of a lobbyist of Broward County and the Signature Grand is a vendor of the County. The Alliance has informed us that the event has a per-person cost of \$45. If you have any reason to believe that any of these facts are not accurate or have changed, please let us know, as different facts may affect our opinion.

Under the State and County codes of ethics, there are two primary restrictions on the acceptance of gifts. The first is that no gift may be solicited or accepted if it may reasonably be perceived to have been given to encourage you to take any action in your official capacity. Section 112.313(4), Fla. Stat. The second restriction caps the value of gifts that may be accepted from certain donors.

**Florida Law:**

Under Section 112.3148(4), Florida Statutes, absent any applicable exception, County Commissioners are "prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the [County] . . . or [from] a lobbyist who lobbies the [County Commission] or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100 . . .".

Something is not a gift if equal or greater consideration is provided. § 112.312(12)(a). Likewise, a "gift" does not include "salary, benefits, services, fees, commissions, gifts, or

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expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization." § 112.312(b)(1).

**County's Code:**

Under the County's Ethics Code, Commissioners cannot accept any gift, directly or indirectly, from a lobbyist, principal of a lobbyist, contractor, or vendor, which gift exceeds \$5. Florida's definition of "gift" applies when interpreting the County's Ethics Code.

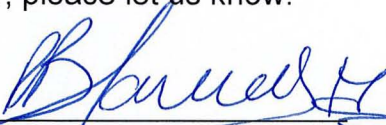
**Analysis:**

Because there is no indication that the luncheon at issue is being provided in an attempt to influence your official position on a matter and the lunch has a value of less than \$100, there are no restrictions in your accepting same under Florida Law. You also need not disclose the luncheon as a gift.

Although the luncheon at issue exceeds the threshold amount of \$5 allowed under the County's Ethics Code, it is our opinion that such luncheon does not constitute a gift. First, while the luncheon is sponsored by the Signature Grand, a County vendor, in our opinion, the Signature Grand's sponsorship is not a gift to you, but rather a gift to the Alliance. As such, to the extent you would be receiving a gift, it would be a gift from the Alliance. Although the Alliance is a principal of a lobbyist, because you are attending such working lunch as a board member of the Alliance, an organization to which you were appointed by the Board of County Commissioners, your service as a member of the organization constitutes consideration for your attendance at the event. Thus, the lunch is not a gift. Alternatively, because such lunch is being provided to you as a benefit or gift associated primarily with your service as an officer of an organization, we do not consider the luncheon a gift. See 112.312(12)(b)(2).

Accordingly, based on the foregoing, you may attend the luncheon without incurring any reimbursement obligations.

If we may be of further assistance regarding this matter, please let us know.

  
Rocio Blanco Garcia  
Assistant County Attorney