



Memorandum

To: Assistant Deputy Mayor Mark A. Douglas
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: January 17, 2018
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2018-01

The Florida Panthers and the Florida Panthers Foundation have invited you to the Community Champions Celebration on Friday, January 19, 2018 at the BB&T Center. The event includes appetizers, beverages and a hockey game. The Florida Panthers Foundation has advised that the per person cost for the event is \$125 and that more than 25 people have been invited to the event.

I am advised that the Florida Panthers are owned by Sunrise Sports & Entertainment, LLC. Leisure Services advised they have a contract with Sunrise Sports & Entertainment, LLC ("SSE"). The City's records do not show that the Florida Panthers Foundation, Inc. is a lobbyist, principal of a lobbyist, vendor or contractor of the City. SSE owns the Arena Operating Company which has contracts with the City and which is the principal of a lobbyist. SSE also owns the Florida Panthers Hockey Club, Ltd. which is a vendor of the City.

You have asked whether attendance by you at the Community Champions Celebration results in any disclosure or reimbursement obligation.

Because you must follow the strictest applicable ethics' law, it is my opinion that attendance by you at the Community Champions Celebration does not create a disclosure requirement under any ethics' code, but that it does create a reimbursement obligation under Broward County's Elected Official Code of Ethics for any amount in excess of \$5. The basis for my opinion follows.

State Law: Florida law requires reporting of gifts worth over \$100 on a Form 9 Quarterly Gift Disclosure. It excludes gifts from relatives (as defined in the statute) from the disclosure requirement. Florida law prohibits the acceptance of gifts worth over \$100 from lobbyists or vendors. Section 112.3148(4), Fla. Stat. The cost per person for the event is \$125. Because the Broward Elected Official Code of Ethics has stricter requirements, we do not need to address whether or not the gift is being given by a lobbyist or vendor as those terms are defined in state law.

Broward County: Section 1-19(c)(1) of the Elected Official Code of Ethics contains certain restrictions on the acceptance of gifts. Elected officials are prohibited from accepting gifts



with a value in excess of \$5 from lobbyists, principals of lobbyists, vendors or contractors. A "contractor" is defined as any person or entity currently under contract with the applicable local governmental entity. Under Florida law, "gifts" do not include anything for which equal or greater consideration is given by the recipient within 90 days. Section 112.312(12)(a), Fla. Stat. As SSE is a contractor of the City, you are prohibited from accepting a gift in excess of \$5 and would need to pay the gift down to \$5 or less within 90 days of the receipt of the gift under the Elected Official Code of Ethics. No disclosure is necessary.

City Ethics Code: Section 10-20 of the City's Code has a \$25 gift limitation where the gift was intended to influence an employee in the performance of his official duties or was intended as a reward for any official action on his part. This limitation, however, does not apply to ceremonies or social gatherings at which meals are consumed and to which 25 or more persons have been invited. Provided the gift was not intended to influence you in the performance of your duties and was not intended to reward you for any official action, the limitation in the City's Code would not be applicable as more than 25 persons have been invited. The City's Code does not have an independent disclosure requirement.

This advisory opinion 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 for purposes of the Broward County Elected Official Code of Ethics. It is limited to the facts and based on the assumptions set forth in this opinion. In the event any of the facts or assumptions are not accurate, please provide me with correct information.

I will provide a copy of this advisory opinion in a searchable "pdf" format to ethicsadvisoryopinions@broward.org within 15 days to ensure your compliance with Section 1-19(c)(8)c. of the Elected Official Code of Ethics.