



## Memorandum

**To:** Commissioner Joseph A. Scutto  
**From:** Kimberly A. Kisslan, City Attorney *KAK*  
**Date:** June 20, 2018  
**Re:** City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2018-03

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The Florida Panthers invited you to the 25<sup>th</sup> Anniversary First Look Tomorrow event on Community Champions Celebration. According to the Florida Panthers, the per person cost of the event including valet parking is \$165 and 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 previously advised it has a contract with Sunrise Sports & Entertainment, LLC (“SSE”). SSE owns the Arena Operating Company which has contracts with the City, which is the principal of a lobbyist, and which is licensing property to the City for the Fourth of July. 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 event 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 event creates a reimbursement obligation under Broward County’s Elected Official Code of Ethics for any amount in excess of \$5 as the corporate owner of the Florida Panthers is a “contractor” of the City within the definition of the Broward County’s Elected Official Code of Ethics. You may accept a gift up to \$5, but you must reimburse the Florida Panthers \$160 within 90 days of the event. The resulting gift of \$5 or less does not create a disclosure obligation for you. 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 Statutes section 112.3148(4) prohibits the acceptance of gifts worth over \$100 from lobbyists or vendors. Disclosing a prohibited gift on a Form 9 does not cure the receipt of a prohibited gift. The cost per person for the event is \$165. Based on the facts above, the Florida Panthers would be a vendor under state law, and the gift would be prohibited. Under Florida law, “gifts” do not include anything for which equal or greater consideration is given by the recipient within 90 days.



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 Broward County 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 a disclosure requirement.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of Broward County’s 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](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.