

MEMORANDUM

TO: Vice-Mayor Dale V.C. Holness

FROM: Rocio Blanco Garcia, Assistant County Attorney

DATE: April 4, 2019

RE: **Offer to Pay for Organized Meals, In-Country Transit, and Organized Tours Resulting from Vice-Mayor Holness' Attendance at the Fort Lauderdale Business Development Mission to Israel.**
CAO File: 19-02(E)

The City of Fort Lauderdale ("City") has invited you to participate in the City's business development mission to Israel. The City has offered to pay for the cost of organized meals, tours, and in-country transit. You have inquired whether acceptance of such offer would constitute a gift to you, and, if so, whether you have any reimbursement obligations.

You have informed that during this business development trip you will attend trade, agriculture, and manufacturing workshops, meet with elected officials and business owners, and attend cultural exhibitions and business conferences. You will also promote the 2019 Broward County Florida International Trade and Cultural Expo (FITCE), which will take place October 2019 at the Greater Fort Lauderdale Broward County Convention Center. Your attendance as a representative of the Broward County Board of County Commissioners is expected to boost Florida-Israel trade and promote tourism and business development. If you believe that any of these facts is not accurate, please let us know, as different facts may affect our analysis.

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), Florida Statutes (2016). 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 [collectively “Lobbyists or Vendors”], if he or she knows or reasonably believes that the gift has a value in excess of \$100 . . .”. There is no monetary limitation on gifts from other sources. Municipalities such as the City are not Lobbyists or Vendors. A gift is anything of value for which equal or greater consideration is not given within ninety (90) days.

County’s Code:

Under the Broward County Ethics Code, with certain exceptions not applicable here, Commissioners cannot accept any gift, directly or indirectly, from Lobbyists or Vendors which gift exceeds \$5. “Elected officials may accept gifts from other sources given to them in their official capacity . . . up to a maximum of \$50.00 per occurrence.” The term “gift” is defined as under Florida Law. § 1-19(b), Broward Cnty. Code of Ords.

Analysis:

There is no indication that the City is offering to pay for your organized meals, organized tours, and in-country transit to influence your official decision on a matter. As such, the issue turns on whether the City’s offer constitutes a prohibited gift.

As stated above, under Florida law, you are not restricted in accepting gifts from sources other than Lobbyists or Vendors. As such, even if payment of certain travel expenses were considered a gift, Florida law does not place any limitations on your ability to accept same. While under the County’s Code you would only be able to accept up to \$50, this Office does not consider the payment of such expenses a personal gift to you. Attendance at the business development mission will provide you with the opportunity to promote Broward County and its tourist attractions, as well as County-sponsored events like the FITCE. It will also allow you to educate yourself on issues that are crucial to the County’s economic development and to foster relationships with one of our trade partners. As such, the business development trip serves the public’s interest, and payment of these travel expenses is a gift to the County. This conclusion is bolstered by the fact that on April 9, 2019, the County will be taking formal action to pay for your air and lodging expenses associated with this trip and to accept the City’s offer as a gift to the County.

Therefore, based on the foregoing, the City’s offer does not constitute a prohibited gift under either Florida law or the County’s code.

Vice-Mayor Dale V.C. Holness
April 4, 2019
Page 3

Disclosure Obligations:

Although this Office opines that the City's offer does not constitute a gift to you personally, in an abundance of caution we advise that you file a Form 10 concurrently with your Form 6 disclosure.

Please contact Drew Meyers or me if we may be of further assistance on this matter.

/s/ Rocio Blanco Garcia
Rocio Blanco Garcia
Assistant County Attorney

cc: Andrew J. Meyers, County Attorney
Annika Ashton, Senior Assistant County Attorney