



**Memorandum No: 19-133**

**City Attorney's Office**

**To:** Hon. Dean J. Trantalis, Mayor  
**From:** Alain E. Boileau, City Attorney  
**Date:** May 3, 2019  
**Re:** World Cities Summit 9th Mayors Forum  
**cc:** Scott Wyman, Asst. to the Mayor

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You have requested an ethics opinion regarding the Government of Singapore's invitation to you, as well as other mayors from across the world, to attend the World Cities Summit 9th Mayors Forum in Medellín, Columbia, in July, 2019 ("Forum"), and its offer to pay for certain expenses. The theme of the Forum is "Liveable and Sustainable Cities: Building a High Trust City." You have indicated that the Government of Singapore would pay for hotel, airport transfers, meals, and site visits, and that you would be attending and actively participating in a variety of moderated discussions and roundtables that cover pressing urban challenges, the latest innovations and good practices in city governance that help build confidence in cities' societies and institutions, as well as the planning for economic and environmental security in an age of unpredictable economic fluctuations and extreme weather events. The Forum is also structured in a manner that wholly relies upon and encourages active contributions and participation from each mayor in attendance.

Neither the Broward County Code of Ethics for Public Officials ("Broward Ethics Code) nor the Florida Code of Ethics for Public Officers and Employees (Florida Ethics Code) prohibits accepting expenses associated with attending the Forum provided the donor is not a lobbyist, provided there is no solicitation or influence, and provided there will be training that will directly benefit the public, and that it constitutes an honorarium event. Under the foregoing circumstances, no reporting is required. However, reporting may be required for any other expenses, such as extended accommodations and charges.

**DISCUSSION:**

**Florida Law**

At the outset, please note the general prohibitions which apply to you:

[A]ny compensation, payment, or thing of value when such public officer [or] employee . . . knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer [or] employee . . . was expected to participate in his or her official capacity

§112.313(4), Fla. Stat. (2018). This includes soliciting or accepting “anything of value to the recipient . . . based upon any understanding that the vote, official action, or judgment of the public officer [or] employee . . . would be influenced thereby. §112.313(2), Fla. Stat. (2018).

That being said, §112.312(12)(a), Fla.Stat. (2018), defines “‘gift,’ for purposes of ethics in government and financial disclosure required by law . . . ” to include “[t]ransportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking,” and “[f]ood or beverage.” §112.312(12)(a)(7), (8), Fla.Stat. (2018). However, the definition of “gift” excludes “[a]n honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.” §112.312(12)(b)(3), Fla.Stat. (2018). The Commission on Ethics has interpreted expenses related to an honorarium event as including “the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event.” Commission on Ethics Opinion (“CEO”) 91-57, October 25, 1991. In CEO 13-3, March 13, 2013, the Commission stated, “[s]ince the gift law was first enacted in 1990, we have never concluded that a public officer had not received a gift when he traveled at the expense of someone other than his agency.” As the Commission further explained:

To summarize and to clarify our view of the gift law in this area, when an individual is transported or provided lodging and it is paid for or provided by another, so long as that individual did not provide equal or greater consideration to the payor or provider for that transportation or lodging, the individual received a "gift" as that term is defined in Section 112.312(12), ***unless the circumstances are specifically excluded by a paragraph within Section 112.312(12).***

CEO 13-3, citing In re Jonathan A. Manatay, Complaint No. 03-081, COE Final Order No. 06-315 (2006) (emphasis added).

Consequently, pursuant to §112.312(12)(b)(3), Fla. Stat., and CEO No. 91-57, inasmuch as you will be actively contributing as a participating mayor at the Forum, your reasonable transportation, lodging, and food and beverage expenses related to the honorarium event are excluded from the definition of “gift,” and no reporting is required. However, to the extent there may be extended accommodations and charges, it is my recommendation that the amount of such unrelated expenses be reported to the Commission on Ethics as gifts in accordance with §112.3148(8)(a), Fla.Stat. (2018).

Please note that the Florida Commission on Ethics is the final authority on issues under the Florida Ethics Code, and this opinion cannot be relied upon *vis à vis* the Florida Commission on Ethics.

**Broward Ethics Code**

Subsection 1-19(c)(1)(a), Broward County Code, provides:

No Elected Official or relative, registered domestic partner, or governmental office staff of any Elected Official, shall accept any gift, directly or indirectly, with a value in excess of \$5.00, from lobbyists registered with the governmental entity on whose behalf they (or their registered domestic partner or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity. For purposes of this paragraph, neither Broward County, any municipality within Broward County, or any other governmental entity shall be considered a registered lobbyist, a principal or employer of a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County.

Based upon the foregoing and by definition, the Government of Singapore is not a lobbyist, nor does the Government of Singapore appear on the City Clerk's list of lobbyists. Furthermore, §1-19(c)(1)(b), Broward County Code, provides:

Elected Officials may accept gifts from other sources given to them in their official capacity, where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes, up to a maximum value of \$50.00 per occurrence. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis*. A governmental entity giving a gift to its own Elected Official shall not be considered a gift from an "other source" for purposes of the \$50.00 limitation.

Absent a definition of "gift" in the Broward Ethics Code, Section 1-19 provides that operative words are defined as follows:

All operative words or terms used in this Elected Official Code of Ethics but not defined herein shall be as defined, in order of priority in the event of inconsistency, by Part III of Chapter 112, Florida Statutes, the Broward County Code of Ordinances, and the Broward County Administrative Code.

As previously stated, while the definition of “gift” set forth in §112.312(12)(a), Fla.Stat., includes “[t]ransportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking,” and “[f]ood or beverage,” it excludes “[a]n honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.” Additionally, §1-19(c)(1)(e) provides:

When not otherwise permitted by this part (c)(1), "Acceptance of Gifts," the following items may be accepted to the full extent permissible under state law:

. . .

2. Training, including the payment or reimbursement of expenses incurred in connection therewith, provided the training relates to the Elected Official's public service. The receipt of such training is deemed to directly benefit the public on whose behalf the Elected Official serves;
3. Nonalcoholic beverages

Except for newly elected officials training and the annual training requirement, “training” is not defined in the Broward Ethics Code. “A statute or ordinance must be given its plain and obvious meaning.” Rinker Materials Corporation v. City of North Miami, 286 So.2d 552 (Fla. 1973). The Merriam-Webster Dictionary defines “training” as “the act, process, or method of one that trains,” and “train” as “to teach so as to make fit, qualified, or proficient.”

It is my opinion that “training” includes attending interactive forums and seminars regarding urban challenges, latest innovations and good practices in city governance, as well as planning for economic and environmental security, and that such training relates to your public service as Mayor.

**CONCLUSION:**

The Florida Ethics Code does not prohibit acceptance of travel to and attendance at the Forum, as expenses related to an honorarium event. Similarly, the Broward Ethics Code does not prohibit acceptance of lodging, transportation and meals at the Forum for training related to your public service as Mayor. Consequently, no reporting is required. However, reporting may be required for any other expenses, such as extended accommodation and charges.

Lastly, with regards to the foregoing advisory opinion from a municipal attorney, §1-19(c)(8)(c), Broward County Code, provides that:

Memorandum No. 19-133

May 3, 2019

Page 5

The Elected Official shall ensure that, within fifteen (15) days after he or she receives an advisory opinion, the opinion is sent in searchable "pdf" format to [ethicsadvisoryopinions@broward.org](mailto:ethicsadvisoryopinions@broward.org) for inclusion in the searchable database of advisory opinions to be maintained by the County.

For your convenience, I will forward this opinion to the County. If you should have any questions, please contact me.