



Andrew J. Meyers
County Attorney

OFFICE OF THE COUNTY
ATTORNEY
115 S. Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Commissioner Barbara Sharief

FROM: Rocio Blanco Garcia, Assistant County Attorney

DATE: October 23, 2019

RE: **Invitation to Commissioner Sharief to Attend the Educational Seminar in Israel for National African American Leaders on December 7-15, 2019.**
CAO File: 19-06E (Gifts)

The American Israel Education Foundation ("AIEF"), an organization that is not a vendor, contractor, lobbyist, or principal of a lobbyist of Broward County ("County"), requested your attendance at the *Educational Seminar in Israel for African American Leaders*, which will take place in Israel on December 7-15, 2019. AIEF has offered to pay for all expenses associated with your attendance, including airfare, lodging, meals, and transportation, which expenses may exceed \$10,000.

Given the strong public interest served by having County representation at the event (as further outlined below), on October 22, 2019, the Board of County Commissioners voted to accept AIEF's offer of payment as a gift to the County. You have now inquired whether you may attend the seminar without incurring any reimbursement obligations.

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. The second restriction caps the value of gifts that may be accepted from certain donors.

Florida Law Caps:

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 . . .". There is no monetary limitation on gifts from other sources. "Gift" is generally defined as anything of value for which equal or greater consideration is not given within 90 days. § 112.312(12).

County's Code Caps:

Under the Broward County Ethics Code, with certain exceptions not applicable here, Commissioners cannot accept any gift, directly or indirectly, from a lobbyist or vendor, 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 County Code of Ordinances.

Your Attendance At The Seminar Does Not Give Rise To Any Reimbursement Obligations:

The seminar offers an opportunity to connect with current and former Israeli government officials, Palestinian Authority representatives, and leading academics and journalists. Through on-site visits and seminars, you will have the opportunity to learn about innovative Israeli approaches to international and domestic issues. It is expected that the event will provide a deeper understanding of Israeli politics, society, and culture. By having a County official at the seminar, the County will benefit from the information learned at the event, as well as from contacts made with other government officials. You will be able strengthen the County's relationship with a trusted ally, all while promoting the County and its attractions.

There is no indication whatsoever that AIEF seeks County representation at the event to indirectly influence any future official actions. Moreover, because AIEF is not a vendor, contractor, lobbyist, or principal of a lobbyist of the County, there are no restrictions under Florida law on your ability to attend the event free of charge. As such, the question of reimbursement turns on whether the coverage of travel and lodging expenses constitutes a prohibited gift under the County's Code.

Because of the strong public purpose served by the County's attendance at the event and because the travel expenses associated with your attendance were accepted by the Board in accordance with the County's Code, AIEF's offer of payment is a gift to the County and not a gift to you. The fact that you will attend as the County's representative does not change the conclusion that you will not incur a reimbursement obligation.

Section 112.3148(6)(b) states that, "a [County Commissioner] may accept a gift having a value in excess of \$100 from...a county...if a public purpose can be shown for the gift...". Further, Section 112.3148(6)(a) states that, "[a]...county...may give, either directly or indirectly, a gift having a value in excess of \$100 to [a County Commissioner]...if a public purpose can be shown for the gift...".

Commissioner Sharief
October 23, 2019
Page 3

The Rules of the Florida Commission on Ethics define a public purpose as “that which promotes the public health, safety, and welfare of the citizens of the State or a political subdivision therein, rather than the welfare of a specific individual or class of persons.” Rule 34-13.320(2)(b), Florida Administrative Code.

As stated above, your attendance at the seminar will add to the County's knowledge of a trusted ally and will allow you to build important relationships and promote the County. As such, attendance at the seminar meets the Rule's public purpose requirement of promoting the public health, safety, and welfare of the people of Broward County.

For these reasons, AIEF's offer of payment constitutes a gift to the County and not your personally, and you do not have any reimbursement obligations.

Disclosure Obligations:

1. By March 1, 2020, the County must provide you a statement of each gift to you having a value in excess of \$100. The County should include the conference travel and lodging costs given to you from the County on this statement.
2. By July 1, 2020, you should report each gift having a value in excess of \$100 given by the County to you using Florida Ethics Commission Form 10. The travel expenses associated with the seminar should be included on this form.

Please contact the County Attorney 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