

**MEMORANDUM**

**TO:** Senator Nan Rich

**FROM:** Kristin M. Carter, Assistant County Attorney

**DATE:** December 4, 2019

**RE:** **Senator Rich's Attendance at the Robert Woods Johnson Foundation Culture of Health Prize Award Ceremony in Princeton, New Jersey**  
**CAO File: 19-09E (Gifts)**

The Robert Woods Johnson Foundation ("Foundation") is a private, non-profit foundation organized under Section 501(c)(3) of the Internal Revenue Service Code with a stated mission of improving health and health care in America. The Foundation is not a County vendor, nor is it the principal of a lobbyist. Broward County is among the five communities the Foundation recognized with its 2019 Culture of Health Prize, which includes a \$25,000 cash award.

The Foundation requested the presence of a County representative at the Foundation's awards ceremony on November 12, 2019 in Princeton, New Jersey, and offered to pay the representative's reasonable travel-related costs, which are estimated at \$900. As an elected County official who works extensively in the areas of human services and public health, you attended the awards ceremony as the County's representative.

In accordance with the procedures set forth in Section 18-63(b) of the County's Administrative Code, and given the strong public interest served by having County representation at the event (as further outlined below), the County Administrator accepted the Foundation's offer as a gift to the County. You have now inquired whether your attendance at the event gives rise to any reimbursement obligations. For the reasons set forth below, it is our opinion that the travel expenses at issue constitute a gift to the County for which you have incurred no reimbursement obligations.

**Gifts Laws:**

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.

Under Section 112.3148(4), there is no monetary limitation on gifts from sources other than lobbyists, principals of lobbyists, or vendors. "Gift" is generally defined as anything of value for which equal or greater consideration is not given within 90 days. § 112.312(12).

Under the Broward County Ethics Code, "[e]lected officials may accept gifts from [sources other than lobbyists, principals of lobbyists, or vendors] 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.

**Attendance At The Event Constitutes A Gift To The County:**

The Foundation's awards ceremony highlights the County's collaboration with other community partners to improve the health and health care access of County residents. Being recognized as a community dedicated to building a "Culture of Health" by a respected national organization enhances the County's reputation and its ability to attract resources to further advance its public health programs. By having a County official at the awards ceremony, the County benefits through information learned at the event, as well as from contacts made with other national and local public health leaders, including past prize winners.

There is no indication that the Foundation requested County representation at the event to indirectly influence any future official actions. As such, the question of reimbursement turns on whether the coverage of travel and lodging expenses constitutes a gift to you. Because of the strong public purpose served by the County's attendance at the event and because the travel and lodging costs were accepted by the County Administrator in accordance with the County's Code, the travel and lodging costs are a gift to the County and not a gift to you. The fact that you attended the event 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...".

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 awards ceremony adds to the County's knowledge base about public health issues and enhances the County's ability to advocate for policies and funding to address these issues. As such, attendance at the awards ceremony meets the Rule's public purpose requirement of promoting the public health, safety, and welfare of the people of Broward County.

For these reasons, the payment of your reasonable travel-related expenses was not a gift to you but, rather, a gift to the County. To the extent that your attendance at the event could be considered a gift from the County to you, you do not have any reimbursement obligations because the County could pay for the cost of your travel and lodging for your attendance at the Foundation's awards ceremony

Please contact the County Attorney or me if we may be of further assistance on this matter.



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Kristin M. Caner  
Assistant County Attorney

cc: Andrew J. Meyers, County Attorney  
Bertha Henry, County Administrator