

ETHICS OPINION
Office of the City Attorney

TO: Mayor Scott Brook
Members of the Coral Springs City Commission

FROM: John J. Hearn, City Attorney

RE: Items Received from the United States Conference of Mayors

DATE: September 25, 2023

On your behalf, Luwam Ghermay, the City Commission Administrative Manager, has asked if you may accept the Apple AirPods, Billykirk Pouch, and Moleskine Notebook given to you by the United States Conference of Mayors. If these facts are incorrect or inaccurate in any way, please let us know since it may affect the opinion that we give.

The Broward County Code of Ethics, provides that “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 any lobbyist registered with the City, from any principal/employer of any such lobbyist, or from vendors or contractors of the City. Section 1-19(c)(1)a., County Code of Ordinances. Commissioners may accept gifts in an “official capacity” from “other sources” up to \$50.00 per occurrence. Section 1-19(c)(1)b., County Code of Ordinances. The \$50.00 limitation does not apply to gifts given to Commissioners in their personal (non-official) capacity. Such gifts are still subject to the reporting requirements of Florida Statutes section 112.3148. Section 1-19(c)(1)c., County Code of Ordinances. The definition of “gift” under the Code of Ethics is provided for in Section 112.312, Florida Statutes.

Section 112.312 provides that a gift does not include “[g]ifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primary composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.” §112.312(12)(b)(8), Fla. Stat. (2023).

Under the facts presented here, the items you received from the United States Conference of Mayors, of which you are a member, are not gifts. In accordance with Section 112.312, the items have been given by a national organization which promotes the exchange of ideas between Mayors, and the leadership of that national organization is primarily composed of elected officials.

If you need additional guidance regarding this matter, please feel free to contact my office.