



MEMORANDUM

To: Jordan Isrow, Vice Mayor, City of Parkland

From: Anthony C. Soroka, City Attorney, City of Parkland

Date: November 11, 2024

RE: **City Attorney Opinion 24-02: Invitation to Vice Mayor Isrow to Participate in the 2024 Mayors Summit Against Antisemitism**

You received an invitation (the “Invitation”) from the Combat Antisemitism Movement organization (“CAM”) to attend the 2024 Mayors Summit Against Antisemitism, scheduled for December 11-13, 2024 (the “Summit”).

The Invitation states that the Summit “will unite leaders, policymakers, and advocates from across the United States and Canada in a collective effort to combat antisemitism and promote a society of tolerance and respect,” and indicates that the Summit will include inspirational keynote speakers, dynamic panels and workshops and networking opportunities to connect with fellow mayors, civic leaders, and engaged advocates to share best practices, build alliances, and collaborate on impactful initiatives. The Combat Hate Foundation, a 501(c)(3) corporation that operates CAM, (the “Foundation”) has offered to pay all expenses associated with your attendance at the Summit, including all travel, meals, and accommodation expenses.

You have asked for an opinion as to whether you may accept the Foundation’s offer to pay for your travel, meals, and accommodation expenses in connection with your participation in the Summit. It is our opinion, for the reasons set forth below, that you may accept payment of your actual, reasonable travel, lodging and food and beverage expenses by the Foundation for your participation at the Summit, without incurring any reimbursement for such expenses. However, you should disclose the “gift” in your quarterly gift disclosure (Form 9), which must be filed on the last day of each calendar quarter for the previous calendar quarter in which a reportable gift is made. Note that there may be additional reporting requirements and other considerations for an extended stay, or other expenses that are not incurred in connection with your participation in the Summit.

State Ethics Laws

City of Parkland Commissioners are subject to State and Broward County ethics laws that regulate the conduct of elected officials. The State Code of Ethics for Public Officers and Employees is set forth in Chapter 112, Part III, Fla. Stat. State ethics laws prohibit an elected official from accepting anything of value, “based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby”¹ or when the official “knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or

¹ See Section 112.313(2), Fla. Stat.

other action in which the officer...was expected to participate in his or her official capacity.”² Additionally, state law prohibits an elected official from corruptly using or attempting “to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.”³ Based on the Invitation, CAM invited you to the Summit based on your role as an elected official. There is no indication that you solicited the Invitation. Further, there are no facts presented that indicate the Invitation is based on any understanding or knowledge that the Foundation’s payment of expenses is being provided to influence your future official actions.

State and County ethics laws regulate the acceptance of “gifts” by elected officials. Section 112.3148, Fla. Stat., sets forth reporting requirements and regulations prohibiting the receipt of certain “gifts” by elected officials. “Gift” is generally defined as anything of value for which equal or greater consideration is not given within 90 days, including “[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”⁴ and “food or beverage” The Foundation is a 501(c)(3) organization that does not qualify as an “agency” under the statute.⁵ You have not indicated that you were asked to give a speech or present at the Summit. Therefore, the Foundation’s payment of your actual, reasonable travel, lodging and food and beverage expenses related to the Summit constitutes a “gift” under state law.

Broward County Code of Ethics

The Broward County Code of Ethics for Elected Officials (the “County Ethics Code”) provides additional regulations on gifts that are in some ways more stringent than provided in state law. The definition of “gift” is not specifically defined in the County Ethics Code; however, Section 1-19(b) Definitions, states “[a]ll 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”.

The County Ethics Code prohibits elected officials from receiving any “gifts” from lobbyists, vendors, or contractors that are in excess of \$5.00.⁶ The Foundation is not a lobbyist, vendor or contractor of the City. The County Ethics Code also prohibits receipt of any “gifts” received in an elected official’s official capacity from other sources, in excess of \$50.00.⁷ The travel, meal and accommodation expenses offered to be paid by the Foundation are in excess of \$50.00. However, Section 1-19(c)(1)(e) of the County Ethics Code provides an exception to the \$50.00 gift limitation stating that the following may be accepted to the full extent permissible under state law: “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”. There is no monetary cap on the value of a permitted gift received in your official capacity under state law. However, Section 112.3148, Fla. Stat. requires that such “gifts” in excess of \$100.00 in value be disclosed on the reporting individual’s quarterly gift disclosure (Form 9) filed with the Florida Commission on Ethics.

² See Section 112.313(4), Fla. Stat.

³ See Section 112.313(6), Fla. Stat.

⁴ See Section 112.312(12)(a), Fla. Stat. (emphasis supplied).

⁵ See Section 112.312(2), Fla. Stat.

⁶ See Section 1-19(c)(1)(a), County Code of Ethics.

⁷ See Section 1-19(c)(1)(b), County Code of Ethics.

Parkland is home to residents of many faiths and beliefs. On May 5, 2021, the City Commission adopted Resolution 2021-038 condemning hate and violent extremism and affirming its ongoing commitment to cultivating an inclusive, safe, and just community that values the diversity of the community, works to ensure equitable opportunities in all major facets of society, and celebrates both our individuality and commonality. The Resolution also commits to countering hate and extremism through engagement with community leaders, and public information-sharing. On October 18, 2023, the Parkland City Commission adopted Resolution 2023-070, condemning the October 7, 2023 terrorist attack against Israel and condemning all antisemitism around the world. Thus, the City Commission has committed to combating antisemitism and promoting diversity within the City. The Invitation states that the Summit will include “renowned thought leaders and change-makers who will share their insights and personal journeys in the fight against antisemitism”, the opportunity to “[e]ngage in deep-dive sessions with experts to explore practical solutions and actionable strategies tailored to your municipality’s unique circumstances” and “[p]articipate in special events designed to celebrate diversity and foster understanding in our communities.” Accordingly, it is my opinion that the training at the Summit relates to your public service and the reimbursement of expenses incurred in connection with such training qualifies under the exception to the \$50.00 gift limitation of the County Ethics Code.

Conclusion

Given the facts presented, we conclude that that the relevant State and County ethics laws do not prohibit you from accepting the payment of your actual, reasonable travel, lodging and food and beverage expenses by the Foundation in connection with your participation in the Summit to receive information and training on combating antisemitism, celebrating diversity and fostering understanding in our communities. Your stay (as it relates to the Foundation’s payment of expenses) must be reasonably limited to the time frame of the Summit and the expenses paid should be limited to those actual expenses related to your attendance at the Summit events. Given that the payment of such expenses is considered a “gift” under State and County ethics laws, you can accept the Foundation’s payment of such expenses, however you should report the payment of such expenses as a “gift” using the Form 9 Gift Disclosure form to be filed with the Florida Commission on Ethics.

This Opinion is provided pursuant to Subsection 8 of the County Ethics Code, which allows an Elected Official to request an advisory opinion about how the County Ethics Code applies to his or her own situation. “Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion, and such facts shall be recited in the issued opinion.” In addition, “until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official’s conduct may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official’s action complies with state or federal ethics requirements.” Assuming that you have disclosed all pertinent facts to us, you may use this Opinion as a “safe harbor” under the County Ethics Ordinance should any questions arise concerning the Opinion provided herein. If you need any additional guidance regarding this matter, please contact us.



Anthony C. Soroka
City Attorney