

Gift Acceptance and Disclosure Requirements for Officials and Employees

B.C.C. § 1-19 (Broward Code of Ethics for Elected Officials), B.C.C. §§ 26-68 and 26-73 (Broward County Employee Code of Ethics), and F.S. §§ 112.312, 112.313, 112.3148, and 112.3149 (State Code of Ethics for Public Officers and Employees) govern when things of value may be accepted and must be reported.

This brochure is intended only to summarize certain requirements for county and municipal public officials and county employees, and does not serve as a legal opinion.

Citations to the Broward County Code of Ordinances and Florida Statutes are abbreviated herein as "B.C.C. §" and "F.S. §," respectively, followed by the section number.



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Broward and Florida Codes of Ethics

Officials and Employees Accepting and Reporting Gifts



“Can I accept it?” “Must I disclose it?”

Generally:

1. Public officers and employees may not solicit or accept **anything of value from anyone** if based on an understanding it will result in official action or inaction. F.S. § 112.313(2); B.C.C. § 26-68.
2. Public officers and employees, their spouses and minor children, and county employees may not accept **anything of value** if they know or should know it was given to influence their vote, official action, or judgment, F.S. § 112.313(4), or could be reasonably perceived to encourage or discourage some official action, B.C.C. § 26-73(a)(1).
3. If you are required to make financial disclosures under the State Ethics Code (that is, you file a State Commission on Ethics (“CE”) Form 1 or Form 6), you and your immediate family members may not solicit or knowingly accept **money or anything of value** (not primarily related to campaign financing) from a **political committee**. F.S. § 112.31485.
4. If you are a Form 1 or Form 6 filer, you may not **solicit** any gift for yourself, another Form 1 or Form 6 filer, or your or their immediate family from a **lobbyist, vendor, or political committee**. F.S. § 112.3148(2)(d) and (3).
5. Broward elected officials and their spouses, registered domestic partners, relatives, and government staff may not accept any gift **valued at over \$5** from a **lobbyist, a lobbyist’s client or employer, a vendor, or a contractor** to the official’s entity. B.C.C. § 1-19(c)(1)a.
6. Broward elected officials may not accept, from any source, **gifts valued over \$50 and given in their official capacity**. B.C.C. § 1-19(c)(1)b. County employees may not accept **any gift in their official capacity**. B.C.C. § 26-73(a)(1).

*Even where gifts may be accepted, public officials and employees who file CE Form 1 or Form 6 **must report**, among other gifts, **permitted gifts over \$100 from non-relatives**. (See “Reporting,” at right.) F.S. §§ 112.3148(2)(d), 112.3148(8)(a); B.C.C. § 1-19(c)(1)c.*

Definitions

Is it a Gift? A gift is anything accepted by a recipient, directly or indirectly, for his or her benefit, where equal or greater consideration is not given within 90 days, including property, use of property, preferential rates or terms, forgiveness of debt, transportation, food, beverage, membership dues, admission fees, tickets to events or facilities, flowers, professional services, and personal services that are normally paid for. F.S. § 112.312(12)(a). See statutory exclusions to the right.

What is its Value? Take the donor’s actual cost and subtract taxes, gratuities, expenses primarily benefiting the donor, and compensation to the donor within 90 days. (Special valuation rules apply for certain gifts, such as personal services, multi-guest events, lodging, transportation, food and beverage not consumed in one sitting, dues, and tickets.) F.S. §§ 112.3148(7).

Reporting

If you file a Form 1 or Form 6, you are subject to gift reporting: Public officers and employees who must file a CE Form 1 or Form 6 must also report certain gifts on CE Form 9, Quarterly Gift Disclosures, to be signed, notarized, and filed with the CE by the last day of the calendar quarter following the quarter of receipt. F.S. § 112.3148 (8)(a); B.C.C. § 1-19(c)(1).

Gifts given in one’s personal capacity: Public officials may accept any gifts given to them in their personal or non-governmental capacity (except those intended to secure a special privilege or to influence, or certain gifts from lobbyists, vendors, contractors, or political committees). Report these gifts, when given by non-relatives and valued in excess of \$100, quarterly on CE Form 9. F.S. § 112.3148(1), 112.3148(8).

Don’t report prohibited gifts or gifts from relatives. F.S. §§ 112.3148(1) and (8)(a), 112.312(21).

Honoraria-related expenses, certain governmental entity gifts, and direct-support organization gifts: Report these on CE Form 10, to be filed annually with the Form 1 or Form 6. F.S. §§ 112.3148(6)(d), 112.3149(6).

Broward County employees must report receipt of permitted gifts received in their official capacity to the County Administrator within 30 days. B.C.C. § 26-73(a)(2)c.

Exclusions and exceptions

Compensation for employment or service as an officer or director of an organization; **campaign contributions; awards, plaques, or honorary memberships; use of public facilities for public purposes;** transportation for officially approved governmental business; and things given in the course of exchanging ideas between, or given for professional development of, public officers or employees, where the recipient or his or her agency is a member of the donor organization. F.S. § 112.312(12)(b).

Beverages and snacks for county personnel at **conferences** and off-site **meetings**, if customarily made available to similar visitors and attendees. B.C.C. § 26-73(a)(4).

Disclosed gifts to certain county personnel **designated by the County Administrator**, where exceptions follow guidelines and are pre-authorized and published. B.C.C. § 26-73(a)(2).

Perishable gifts accepted by county personnel, if the donor is notified in writing of the no-gift policy and the item is placed in an open area to be shared by members of the public and all employees. B.C.C. § 26-73(a)(3).

Honoraria are not gifts and not reportable. However, Form 1 and Form 6 filers are prohibited from accepting honoraria from lobbyists, vendors, and political committees. **Honoraria-related expenses** are not gifts and are permitted, but Form 1 and Form 6 filers who receive honoraria-related expenses from lobbyists, vendors, and political committees must report them annually to the CE. F.S. § 112.3149.

The gift rules of the Broward Code of Ethics for Elected Officials (B.C.C. § 1-19) do not apply to:

- gifts given to an elected official from his or her **own governmental entity**,
- customary **sympathy gifts** upon death or significant injury or illness of the official or immediate family member,
- expenses for **training** related to public service,
- **nonalcoholic beverages**, and
- tickets to **charitable events** open to the public but only with disclosure within 15 days and compensation for food and beverages within 30 days.

B.C.C. § 1-19(c)(1)a., (c)(1)b., and (c)(1)d. *However, note that, under State law, if a gift is from a **vendor, political committee, or lobbyist**, state law prohibits its acceptance if it is valued at over \$100 and requires reporting if it is valued at between \$25 and \$100. And, gifts from governmental entities that are vendors or lobbyists are permitted if for a public purpose and reported.* F.S. § 112.3148(4), (5) and (6).