

**ETHICS OPINION**  
**Office of the City Attorney**

**TO:** Mayor Walter G. Campbell, Jr.  
Members of the Coral Springs City Commission

**FROM:** John J. Hearn, City Attorney

**RE:** Receiving Government Rate Discounts

**DATE:** May 27, 2016

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You have asked whether it is permissible for elected officials to receive government rate discounts (e.g., hotel discounts for government employees) under the Broward County Code of Ethics.

The Broward County Code of Ethics, as amended on December 8, 2015, 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 Broward County Code of Ethics does not define "gift," but references the state law definition of "gift" under Chapter 112, Florida Statutes. The definition of "gift" under Section 112.312, Florida Statutes includes a "preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin."

Therefore, it is permissible for elected officials to receive government rate discounts, such as a hotel discount for government employees, since the discount is not a gift under the Broward County Code of Ethics. *See Florida Commission on Ethics Opinion 92-26 (opining that a discounted service rate available to all teachers in a school district is not a gift under Section 112.312, Florida Statutes).*

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

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