

ETHICS OPINION
Office of the City Attorney

TO: The City Commission of the City of Coral Springs
FROM: John J. Hearn, City Attorney
RE: Tickets to Florida Panthers Games
DATE: May 4, 2021

On many occasions, our office has received questions regarding acceptance of Florida Panthers (Panthers) Tickets. Recently, members of the City Commission attended a Panthers game. Our office is providing this opinion in order to address different scenarios under which a Commissioner obtains an admission ticket for the Florida Panthers game and the ethical implications of each.

The City has a contract with the Panthers¹ wherein the City receives an annual credit to be used for events at the BB&T Center, which may include Panthers tickets.

1. Commissioner Purchases an Admission Ticket at the Same Price and Under the Same Terms and Conditions as Members of the Public.

The purchase of a ticket by a Commissioner under the same terms and conditions as all other members of the public does not raise any ethical concerns.

The City, County and State Codes of Ethics limit the gifts elected officials may receive. "Gift" is generally defined as anything of value for which equal or greater consideration is not given within 90 days. If you purchase a ticket for the same amount and on the same terms as any other member of the public, equal consideration would have been given for the ticket and no gift would have been received.²

¹ Although referred to as the "Panthers," the City's agreement is with Incredible Ice, LLC. The Managing Member of Incredible Ice, LLC is Sunrise Sports & Entertainment, LLC. Sunrise Sports & Entertainment, LLC is also the Managing Member, Registered Agent, or otherwise linked to the ownership of the following legal entities: Florida Panthers Hockey Club, Ltd., PHGP, LLC, and Florida Panthers Hockey Club Enterprises, Inc. Due to these relationships, there is a possibility that the definition of "contactor" could be imputed to these entities and therefore our analysis provided herein is the same for all of these entities.

² However, if a Commissioner is given an opportunity to purchase a ticket for a highly coveted event (e.g., a playoff game) for face value and the market value paid by the general public grossly exceeds the face value, a Commissioner may have received a "gift." Therefore, in those situations our office should be consulted and an opinion from the Florida Commission on Ethics may be required.

2. Commissioner Receives A Free Ticket from the Florida Panthers.

With limited exceptions not applicable here, the County's Code of Ethics prohibits Commissioners from accepting any gift from a contractor, vendor, or lobbyist if the value of such gift exceeds \$5.00. The Panthers are a contractor of the City.

Therefore, you could only accept \$5.00 from the Panthers and you would have to reimburse the Panthers within ninety (90) days for the value of the ticket less \$5.00.

3. City Provides a Free Ticket to a Commissioner.

In Florida Commission on Ethics Opinion 92-33, the Commission on Ethics addressed a City giving performance tickets to Commissioners where the tickets were received by the City as part of an agreement for the performance venue. Tickets were given to each Commissioner for their own use or to give away at their discretion. The Commission on Ethics concluded that the tickets were not "gifts" to the City, as the tickets were part of the consideration for the agreement. The Commission on Ethics also concluded that the tickets would not be "benefits" associated with the Commissioner's public office, and therefore would constitute a "gift" to the Commissioner from the City. Such gift could be accepted by the Commissioner, but the Commissioner would have to report the gift if the value exceeded \$100.00.

The same analysis would apply in this situation where the tickets are part of the consideration for the City's agreement with the Panthers. Additionally, the Broward County Ethics Ordinance does not affect this analysis because the \$50.00 gift limitation from a non-contractor, non-vendor or non-lobbyist does not apply when a governmental entity giving a gift to its own elected official.

3. City Provides a Free Ticket to a Commissioner and the Commissioner Serves as a "Host" at the Event

In Florida Commission on Ethics Opinion 01-19, the Commission on Ethics addressed City officials receiving tickets to an event where the officials serve as "hosts" at the event. There, the City received tickets as part of consideration for a lease of a stadium. The City formulated a written policy for allocating use of the stadium tickets City officials would serve as "hosts" to the City invitees for the following purposes: to promote economic development, to recognize the contributions of City boards, commissions, committees, community service organizations, neighborhood organizations, youth groups, and to recognize and reward the contributions of City employees.

Under that opinion, if Commissioners served as "hosts" for one of those purposes in the written policy, the Commissioner would have not received a "gift" from the City as the Commissioner had provided equal or greater consideration through their service at the event.

Should our City Commission wish to adopt a similar policy, our office could provide an ethics opinion that a Commissioner had not received a gift from the City if the Commissioner served as a "host" for one of the purposes provided for in the City's policy.

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