



MEMORANDUM

To: Margaret Brown, Mayor

From: Jamie A. Cole, City Attorney

Date: March 24, 2025

RE: Delegation to Israel
CAO: 25-W01 (Gift Reporting Requirements)

cc: City Manager
City Clerk

You received an invitation (the "Invitation") from the Consulate General of Israel in Miami to join a delegation to Israel scheduled for March 30 – April 3, 2025 designed to educate high-level political staffers and mayors.

The Invitation states that the aim of the visit is to strengthen ties between Israel and the United States. The delegation's schedule will include meetings and briefings by top Israel officials on the events of October 7th, Israel's current position and the evolving security dynamics in the Middle East. Attendees will also have the opportunity to visit historical sites and key institutions, gaining firsthand insight into Israel's geopolitical landscape, technological advances and regional security challenges. The government of Israel has offered to pay all expenses associated with this visit as a delegation member, including all travel, meals, and accommodation expenses.

You have asked for an opinion as to whether you may accept the State of Israel's offer to pay for your travel, meals, and accommodation expenses in connection with this visit. It is my opinion, for the reasons set forth below, that you may accept payment of your actual, reasonable travel, lodging and food and beverage expenses incurred by the State of Israel through the Consulate General of Israel in Miami as a delegation member without incurring any reimbursement for such expenses, so long as you report it as a gift on your quarterly gift disclosure (Form 9) filed with the Florida Commission on Ethics.

City of Weston elected officials 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" or when the official "knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer...was expected to participate in his or her

official capacity." 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." Based on the Invitation, the Consulate General of Israel invited you to join the delegation 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 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. You have not indicated that you were asked to give a speech or present during the delegation's visit to Israel. Therefore, the Israeli government's payment of your actual, reasonable travel, lodging and food and beverage expenses related to the visit constitutes a "gift" under state law.

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. The State of Israel 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. The travel, meal and accommodation expenses offered to be paid 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.

Weston is home to residents of many faiths and beliefs, including many of the Jewish faith. Unfortunately, Weston has also been subjected to several incidents of antisemitism. On October 6, 2022, the morning after the Jewish holiday of Yom Kippur, residents in the Weston Hills neighborhood woke up to hate speech (including swastikas, racial slurs and words like "kill Jews") sprayed on a golf course bathroom wall. That same day, additional hate messages were found spray painted on the children's playground at Hunters Pointe Park. Then, on October 25, 2022, hate slurs and antisemitic messages were found again spray painted on the walls of the golf course bathroom, and then again, on October 30, 2022, police responded to a call reporting another incident of antisemitic message at Hunters Pointe Park.

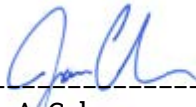
You and the City Commission have repeatedly denounced antisemitism, condemned the terrorist acts of Hamas and supported Israel. On June 15, 2020, the City Commission adopted Resolution 2020-63, which, among other things, denounced antisemitism in the early months of COVID-19. On October 16, 2023, the City Commission adopted Resolution 2023-116 condemning the terrorist action of Hamas on October 7, 2023 and supporting the State of Israel. You have also personally been a leader on the topic of antisemitism, issuing numerous statements and attending events on the topic. For example, over the last two years, you have issued statements stating your unwavering support for the State of Israel, indicating that the City would take all necessary measures to keep the community safe from acts of antisemitism that may coincide with the October 7th terrorist attack on Israel, stating that you were “alarmed and saddened by the actions of the misguided individual or individuals who vandalized these areas of the Weston Hills community”, and expressing your view that the “graffiti included antisemitic elements, done during Yom Kippur, the most important holiday of the Jewish faith, makes it all that more appalling.” Your attendance would therefore be in accordance with the City’s recognized interests.

Accordingly, it is my opinion that the meetings and briefings included in the schedule of events for the delegation meets the definition of “training” under the Broward Ethics Code and relates to your public service. Consequently, 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. This opinion is consistent with the opinion given by the City Attorney of Coral Springs on October 29, 2024 (finding that attendance of the Mayors Summit Against Antisemitism in Beverly Hills fell within the training exemption of the County gift law, among other things).

Given the facts presented, I conclude that that the relevant State and County laws permit you to accept the payment of your actual, reasonable travel, lodging and food and beverage expenses by the Israeli government in connection with your visit as a member of this delegation to Israel to receive information from top Israeli officials enabling you to acquire a better understanding of the events of October 7th, learn about evolving security dynamics and develop stronger relationships between Israel and municipalities in the United States, including the City of Weston. Your stay (as it relates to the payment of expenses) must be reasonably limited to the time frame of the delegation’s official visit and the expenses paid should be limited to those actual expenses related to this visit. Since that the payment of such expenses is considered a “gift” under State ethics laws, you can accept the government’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.



Jamie A. Cole
City Attorney