

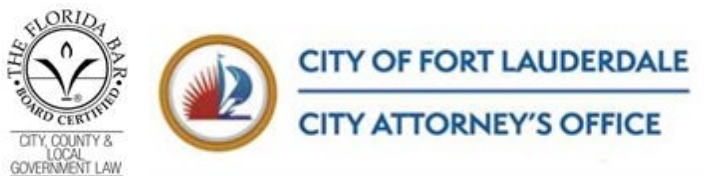
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Cc: [Scott Wyman](#); [Zachary Eakins-Durand](#); [Melissa Whiddon \(Coningsby\)](#); [Erica Franceschi](#); [Ashley Cacicedo](#); [Jeanette Fray \(Johnson\)](#); [Jamel Walker](#); [Sabrina Javellana](#); [Vicki Gargano](#); [Susan Grant](#); [Rickelle Williams](#); [Laura Reece](#); [D"Wayne Spence](#); [Eric Abend](#); [Gabrielle Bush](#)
Bcc: [Dean Trantalis](#); [John Herbst](#); [Steven Glassman](#); [Pamela Beasley-Pittman](#); [Ben Sorensen](#)
Subject: 2025 Broward County AFL-CIO Labor Ball
Date: Friday, August 1, 2025 11:17:04 AM
Attachments: [image002.png](#)
[Broward County AFL-CIO Labor Ball opinion.docx](#)

Good morning, Mayor, Vice Mayor, and Commissioners:

In case you are planning to attend the 2025 Broward County AFL-CIO Labor Ball on August 30, 2025, I offer the attached opinion on the ethical considerations of the invitation. I am sending this as a "bcc" in order to prevent any inadvertent "reply all."

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Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the City, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

Question Presented:

The question presented is whether an invitation extended by the Fraternal Order of Police, Lodge 31, ("FOP"), to a City of Fort Lauderdale elected official and a guest to attend the Broward County AFL-CIO Labor Ball on August 30, 2025, ("Ball"), may be accepted. The invitation is for seats at a standard table seating ten guests that the FOP has purchased for \$2,500. The FOP is a party to collective bargaining agreements with the City. I have been informed that this type of admission excludes alcoholic beverages and that the value of the food and nonalcoholic beverages to be provided exceeds \$25.

Short Answer:

It is my opinion that the Broward County Code of Ethics for Elected Officials prohibits an elected official's acceptance of the FOP's invitation to attend the Ball unless \$225 for one attendee or \$475 for two attendees is reimbursed within ninety days from receipt of the gift.

Discussion:Florida Code of Ethics for Public Officers and Employees:

The following Florida statutes should always be borne in mind when considering acceptance of a gift:

No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, 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.

§112.313(2), Fla. Stat. (2024).

No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney 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, employee, or local government attorney was expected to participate in his or her official capacity.

§112.313(4), Fla. Stat. (2024).

"Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days

....

§112.312(12)(a), Fla. Stat. (2024).

The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

§112.3148(7)(a), Fla. Stat. (2024).

Subsection 112.3148(4), Florida Statutes (2024), prohibits a reporting individual from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the reporting individual's agency if he or she knows or reasonably believes that the gift has a value in excess of \$100. "Vendor" is defined as "a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services." §112.3148(2)(f), Fla. Stat. (2024).¹

Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

§112.3148(8)(a), Fla. Stat. (2024).

Considering a per-person value of \$250, and assuming the gift was not intended to influence a vote or other action, under State law, to reduce the value of the gift to \$100, attendance at the Ball would require reimbursement to the FOP of the amount of \$150 for one person or \$400 for two persons.² Reimbursement would be due within ninety days

¹ I called the Florida Commission on Ethics hotline, and Attorney Amelia Naomi informed me that a labor union is not considered a vendor for purposes of the gift law since it does not rent, lease, or sell any realty, goods, or services. This may be confirmed by calling the Commission on Ethics at 850- 488-7864.

² With regard to an invitee's guest's attendance at the Ball, Commission on Ethics Opinion 06-27 provides the following direction: "[U]nder the circumstances presented, we conclude that the City's

of receipt of the gift which, to be safe, would be ninety days following the date of the invitation (July 17, 2025), or October 15, 2025. Absent such reimbursement, and before considering the Broward County Code of Ethics for Elected Officials, the full value of the ticket (\$250) or tickets (\$500) would have to be reported. However, the Broward County Code of Ethics for Elected Officials is more stringent than state law, and requires reimbursement as more fully explained below.

Broward County Code of Ethics for Elected Officials

Absent a definition of “gift” in the Broward County Code of Ethics for Elected Officials, Subsection 1-19(b), Broward County Code, provides that operative words are defined as follows:

All 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.

To reiterate,

“Gift,” for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee’s behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee’s benefit or by any other means, for which equal or greater consideration is not given within 90 days
. . . .

§112.312(12)(a), Fla. Stat. (2024).

The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used.

§112.3148(7)(a), Fla. Stat. (2024).

Subsection 1-19(c)(1)a., Broward County Code (2025), provides:

No Elected Official or relative, registered domestic partner, or governmental office staff of any Elected Official, shall accept, directly or indirectly, any gift of food and/or nonalcoholic beverages with a value in excess of \$25.00 or any other gift with a value in excess of \$5.00, from lobbyists registered with the governmental entity on whose behalf they (or their registered domestic partner or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental

payment of companion travel for City officials is an indirect and reportable gift to City officials on their quarterly gift disclosure form – CE Form 9.”

entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity. For purposes of this paragraph, neither Broward County, any municipality within Broward County, nor any other governmental entity shall be considered a registered lobbyist, a principal or employer of a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County.

As condensed for simplification, no elected official or governmental staff of an elected official shall accept any gift of food and/or nonalcoholic beverages, directly or indirectly, with a value in excess of \$25.00, from contractors of such governmental entity.

“*Contractor*” means any person or entity currently under contract with the applicable local governmental entity.” §1-19(b)(1), Broward County Code (2025).

On December 19, 2023, the City Commission approved four collective bargaining agreements with Fraternal Order of Police, Lodge 31, which is thereby a contractor pursuant to the Broward County Code.

Notwithstanding the prohibition of acceptance of gifts contained in the Broward County Code of Ethics for Elected Officials, admission to an Official Event is allowed as follows:

When not otherwise permitted by this part (c)(1), "Acceptance of Gifts," the following items may be accepted to the full extent permissible under state law:

* * *

4. Admission to an Official Event for an Elected Official, or governmental office staff of an Elected Official, as well as food, beverages, and commemorative items received by the Elected Official or governmental office staff of an Elected Official at the Official Event, valued at up to \$100.00 in total, provided that such food, beverages, and commemorative items are available to all attendees of the Official Event.

An Official Event is any event where:

- a. The Elected Official has made an objective, good-faith effort to determine that at least thirty (30) persons not affiliated with the donor have been invited to attend, including multiple Elected Officials; and the Elected Official attends the event in their official capacity; or
- b. The Elected Official's governmental entity has officially sponsored the event; or
- c. The Elected Official was invited to the event in their official capacity and the governmental entity's legal counsel or chief budget officer has determined in

writing that attendance at the event serves a public purpose.

For purposes of this Section 1-19(c)(1)e.4., a person affiliated with a donor means:

- a. The donor's relative as defined in Section 112.3135, Florida Statutes;
- b. The donor's employee or employer; or
- c. Any person or entity engaged in or carrying on a business enterprise with the donor as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

§1-19(c)(1)e.4., Broward County Code (2025).

An objective, good-faith effort has not determined that at least thirty (30) persons not affiliated with the donor (FOP) have been invited to attend, as provided in Paragraph 4.a. of the definition of "Official Event." The AFL-CIO has indicated that, inasmuch as the event is a fundraiser, no one has been "invited to attend," and it is my understanding that the FOP has purchased one table for ten people. Paragraph 4.b. does not apply because the event is not officially sponsored by the City. As to Paragraph 4.c., there is insufficient information to conclude that attendance at the Ball would serve a public purpose. Accordingly, the \$100 allowance for Official Events does not apply.

Inasmuch as the ticket price per person is \$250, the amount of money that would have to be reimbursed within ninety days is at least \$225 ($\$250 - \$25 = \225) for one person, or \$475 ($\$500 - \$25 = \475) for two people,³ payable to the FOP.

Conclusion:

It is therefore my opinion that a City of Fort Lauderdale elected official or governmental staff of a City of Fort Lauderdale elected official may not accept the FOP's invitation to attend the Broward County AFL-CIO Labor Ball unless equal or greater consideration for the value of the gift that exceeds \$25, to wit, \$225 for one attendee or \$475 for two attendees, is given within ninety days. Inasmuch as the Broward County Code in this case prohibits the acceptance of a gift of food and/or nonalcoholic beverages in excess of \$25, if the value exceeding that amount is reimbursed within ninety days, there is no State reporting requirement.

Unfortunately, the part of this opinion construing the Florida Code of Ethics for Public Officers and Employees is not a binding opinion that can be relied on because only the Commission on Ethics (telephone 850-488-7864) issues binding opinions on the Florida Code of Ethics for Public Officers and Employees.

³ Footnote 2, *supra*.

As to the Broward County Code of Ethics for Elected Officials, Subsection 1-19(c)(8)c., Broward County Code (2025), provides, with regard to binding municipal attorney advisory opinions:

The Elected Official shall ensure that, within fifteen (15) days after he or she receives an advisory opinion, the opinion is sent in searchable "pdf" format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of advisory opinions to be maintained by the County.

The City Attorney's Office will forward this opinion to the searchable database of advisory opinions maintained by the County on your behalf. If you have any questions, please feel free to contact me.