

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 13, 2018 12:08 PM
To: Sanchez, Rodzandra (COE)
Subject: Sandra Novoa, Town Clerk, Town of Surfside (Gift Disclosure) INQ 18-42
Attachments: Form 9.QuarterlyGiftDisclosurepdf.pdf; CountyQuarterlyGiftDisclosureForm.pdf; GiftValuationMultipleDonors34-13.510 (2).doc; CEO 08-19 - GiftDisclosure.MultipleDonors.September 10 2008.pdf

INQ 18-42 Novoa

From: Centorino, Joseph (COE)
Sent: Tuesday, February 13, 2018 9:51 AM
To: 'snovoa@townofsurfsidefl.gov' <snovoa@townofsurfsidefl.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-42 Sandra Novoa, Town Clerk, Town of Surfside (Gift Disclosure)

Sandra,

This is in response to your inquiry regarding whether a recipient of a gift by a Town official/employee is required to be reported where the gift is an aggregation of gifts from several individuals, and where the aggregate value of the gift exceeds \$100 but none of the contributing individuals contributing to the gift provided more than \$100. The answer is more complicated than it seemed at first, due to the fact that the answer is different depending on whether the recipient of the gift is required to file financial disclosure under the State of Florida gift disclosure provision in Section 112.3148, Florida Statutes, or under the County gift disclosure requirement in Section 2-11.1(e)(4) of the County Ethics Code. Section 112.3148 requires that all officials who are required to File Annual Financial Disclosure with the State of Florida (which includes all local elected officials as well as other designated officials), as well as certain designated Procurement employees, file State Quarterly Gift Disclosure Form 9 (attached). Section 2-11.1(e)(4) requires that all other County and municipal personnel, including all municipal employees, file the County Quarterly Gift Disclosure Form (attached).

Those who file the State form are governed under the State Ethics Code. The interpretation of the State Gift Disclosure Requirement, per Florida Commission on Ethics Rule 34-13.510 (attached), as well as Florida Commission on Ethics opinion CEO 08-19 (attached), would require that the State filers disclose a gift received in excess of \$100, even where no individual donor has provided in excess of \$100. FCOE General Counsel Christopher Anderson has confirmed this interpretation of the State requirement.

The County disclosure requirement is quite clear, based on the language of Section 2-11.1(e)(4), pursuant to which disclosure is required of “any gift, or series of gifts **from any one person or entity, having a value in excess of one hundred dollars (\$100)**” (emphasis added). The County requirement includes all county and municipal officials, employees and personnel other than those officials and procurement personnel required to file with the State.

I appreciate that this duality could and probably has caused some confusion at the local level, but that is the current state of the law.

Regards,
Joe

Joseph M. Centorino

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