

**CITY OF TALLAHASSEE  
INDEPENDENT ETHICS BOARD**

AO 2024-04 – April 16, 2024

**SOLICITATION OR ACCEPTANCE OF GIFTS  
ORD. NO.: 2-15**

*To: Ms. Lanita Walker, P.E., Administrator  
Environmental Regulatory Compliance Division  
Environmental Services Department  
City of Tallahassee  
300 South Adams Street  
Tallahassee, FL 32301*

**SUMMARY:**

Under the City of Tallahassee Ethics Code, a covered individual may attend an event, which is funded in part by donations from city vendors, when the event is open and free to similarly situated professionals.

**QUESTION:**

Does a covered individual violate the Tallahassee Ethics Code ban on solicitation or acceptance of a gift by attending an event, which is funded in part by donations from city vendors, when the event is open and free to similarly situated individuals?

This question is answered in the negative.

The inquirer wished to attend an event in Tallahassee hosted by the organization EnviroWorkshops. Based in Davidson, NC, EnviroWorkshops bills itself as “the largest environmental training organization worldwide, stretching 6 continents.”<sup>1</sup> EnviroWorkshops claims that it has “quickly become the largest training organization for environmental professionals worldwide.”<sup>2</sup>

On February 29, 2024, EnviroWorkshops held an in-person training course at the Holiday Inn Tallahassee East Capitol location on Apalachee Parkway. The event provided continuing education related to the latest technologies in their field, specifically 4.0 credits of Professional Development Hours (PDH), to environmental professionals. A complimentary lunch for all participants was also provided. The event was free for attendees. EnviroWorkshops markets its events to “a good mix of consultants, regulators, responsible parties, attorneys, developers, and vendors.” *Id.*

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<sup>1</sup> <https://www.enviroworkshops.com/about-us>

<sup>2</sup> <https://www.enviroworkshops.com/>

The inquirer appears to be a “covered individual” subject to the ban on accepting or soliciting some gifts from prohibited donors under the Tallahassee Ethics Code. The inquirer’s title is “administrator,” so one may presume that she is entrusted by City leadership to procure goods and services of sufficient value.

A “covered individual” is a legal term defined by local ordinance as follows:

*Covered individual* means:

- (1) Each public official;
- (2) Each employee and each member of a city board, commission, or council who is required by F.S. § 112.3145, to file an annual financial disclosure, including any employee with purchasing authority exceeding \$35,000.00; and
- (3) Each employee who is a procurement employee. "Procurement employee" means any city employee who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities, if the cost of such services or commodities exceeds or is expected to exceed \$10,000.00 in any fiscal year.

§ 2-4, *Tallahassee Code of Ordinances* (2024).

Since the question as to whether the inquirer is a covered individual was unanswered, the undersigned conducted this analysis based on the speculation that she is a covered individual. If the other elements of the prohibited act are not met during this analysis, the question as to whether the inquirer is a covered individual becomes moot, and the determination is no longer required to reach a legal conclusion. If the other elements are met, this question can be revisited.

The Tallahassee Ethics Code prohibits covered individuals from soliciting or accepting gifts from city vendors. The applicable ordinance reads as follows:

No covered individual shall knowingly, directly or indirectly, accept or solicit a gift of any value from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lessee of city property, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the city, or from any potential vendor or lessee that is currently engaged in procurement or negotiations with the city or a bid protest.

§ 2-15(a), *Tallahassee Code of Ordinances* (2024).

For a violation to be found, all elements of this prohibited act must occur. The next step in the legal inquiry is whether the donor of the gift falls into one or more of three enumerated

categories in local ordinance. Those groups are city vendors, lessees of city property, and lobbyists or those who employ lobbyists that appear before the City of Tallahassee.

Based on a preliminary investigation of the list of sponsors provided on the EnviroWorkshops's website and a review of the city database, some of its donors do business with the City of Tallahassee and are thereby city vendors. As a result, this factor is met as it applies to the donors to EnviroWorkshop. A review of the City's vendor database shows that EnviroWorkshop is not a city vendor.

The final element to consider is whether the covered individual would receive a gift from the city vendor. The term "gift" is defined in the state ethics code and means:

"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, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. 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.
6. Forgiveness of an indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

Pursuant to subsections (8), (10), and (12), free admission to the event, food and beverages provided at the event, and the issuance of continuing education credits<sup>3</sup> are items of value that fall within the definition of gift. The second part of the inquiry is whether these gifts came from a city vendor.

EnviroWorkshops is not listed within the city database as a city vendor, so a covered individual may accept anything of value from this organization. The follow-up query is whether EnviroWorkshops is prohibited from making a gift to a covered individual because it received funds from a city vendor. To resolve this issue, one must consider whether the gift is coming from the city vendor through EnviroWorkshops as a passthrough gift. The local ordinance explicitly prohibits the acceptance of a gift whether it be “directly or indirectly” from the city vendor.

In order for a violation to occur in this case, EnviroWorkshops and the city vendor must mutually understand that the moneys donated were done so for the purpose of benefiting a particular covered individual. This is not the case here. The donations are made to EnviroWorkshops for the benefit of the organization and by extension all of its participants. At the time of the donation, it was not clear to the donor who may or may not attend these events, so the intent component of the prohibition cannot be satisfied. This lack of coordination breaks the connection between the city vendor and the covered individual; therefore, the donations to EnviroWorkshops, which may later result in something of value passing to a covered individual, would not be a prohibited gift.

Additionally, the gift prohibition does not apply when the same item of value was made equally available to similarly situated individuals. The event hosted by EnviroWorkshops is open to all members of the public. Any person who wished to attend was able to register for free through a page designated via the EventBrite.com website. The benefits the inquirer would realize from attending the event hosted by EnviroWorkshops could have been realized by other similarly situated individuals.

The Florida Commission on Ethics has reviewed numerous cases where government employees received discounts or complimentary goods, and in nearly all cases, the Commission found no violation under the state ethics code.

In Broward County, the Port Director, Deputy Port Director, and Port Commissioners with the Port Everglades Authority sought to purchase discounted tickets with a cruise line that paid tariffs to use the facilities at the Port. The cruise line offered discounts, not just to employees or officers of the Port, but to all persons associated with the travel industry. In this case, the Commission found that these individuals would not receive any preferential treatment or special rate beyond that publicly available to others in the travel industry. *See* CEO 89-31.

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<sup>3</sup> This conclusion assumes that EnviroWorkshops possesses some form of certification or qualification necessary to provide continuing education credits to attendees of their events.

In another case, officials and employees with the Department of Revenue were offered discounts for cellular telephone service from a company that hired a lobbyist to appear on its behalf before the Executive Branch. The lobbyist sent flyers to offices at the Department, offering a 15% discount off its regular prices for phone services. The flyer stated that the offer was for government employees. The Commission found that Executive Branch agency officials and employees could accept the discount in part because the offer was made to all employees. *See* CEO 06-18.

Finally, teachers in Naples, Florida were permitted to have their personal automobiles serviced at the school district's vocational technical center at discounted prices compared to those offered to the general public. As it applies to the gift statute, the Commission held that no violation occurred, because, *inter alia*, the offer was extended to all teachers. *See* CEO 92-26.

Accordingly, based on the facts presented by the inquirer and this Board's reliance on those facts, the Tallahassee Independent Ethics Board finds that a covered individual attending a free workshop by an organization funded in part by city vendors that is open to similarly situated individuals would not constitute a violation of the City of Tallahassee Ethics Code.

**ORDERED** by the City of Tallahassee Independent Ethics Board meeting in public session on April 16, 2024, and **RENDERED** this 16<sup>th</sup> day of April 2024.

APPROVED:



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Kristen S. Costa, Chair  
Tallahassee Independent Ethics Board

ATTEST:



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DWIGHT A. FLOYD  
Independent Ethics Officer

APPROVED AS TO FORM:

  
John Reid (Apr 23, 2024 14:13 EDT)

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JOHN LAURANCE REID  
Board Counsel

# signed\_AO 2024-04 (003)

Final Audit Report

2024-04-23

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