



Holiday Gift Guide for City Officials

As the holiday season approaches, City Officials and Employees can expect to see an increase in the number of gifts and invitations received, particularly holiday celebrations. The City of Jacksonville and the State of Florida place legal restrictions on certain gifts because gifts can be used as a tool to gain influence, can lead to unconscious bias, and can harm the public's trust in local government.

State and local gift laws apply the same to holiday celebrations as to any other gift that is offered to or received by you. Below is a summary of the most common gift laws to keep in mind this holiday season. It outlines how to handle a gift to an individual. It is important to determine (1) why a gift is given to you, (2) who is giving it, and (3) the value of the gift.

Please note, whether you can accept a gift under state and local laws depends on the specific facts/details. It is not possible to cover every gift situation in a summary. While the following material and the attached Flow Chart will help to make decisions regarding gifts, it is always best to check with the Ethics Office when a new gift is received. **The Ethics Office can be reached on the Ethics Helpline at 904-630-1015 or by email to ethics@coj.net.**

SUMMARY OF STATE AND LOCAL GIFT LAW

1. **It is critically important to know WHY you are receiving a gift.** If the answer to any of the below questions is yes, you cannot accept the gift regardless of the value. Pay for the gift in its entirety or return the gift. (F.S. 112.313(2) or F.S. 112.313(4))
 - ☐ Does the giver have any matters pending before your agency/department or will have matter(s) pending at the same time as the event?
 - ☐ Does the giver expect/want something from you?
 - ☐ Is the giver trying to influence you?
2. **It is critically important to know WHO is really paying for a gift.**
 - ☐ Family and primary employers can give gifts of any amount. You can accept these gifts & they are not reported on a Form 9 gift disclosure.
 - ☐ City Vendors and Lobbyists (including those who pay City Lobbyists and partners of City Lobbyists) are limited to \$100 gifts at any one time and \$250 in gifts in a year. You do not report these gifts.
 - ☐ Those with pending matters before your agency/department cannot give gifts and you cannot accept regardless of the value. You must return or pay for the gift.
 - ☐ Political action committees cannot give gifts and you cannot accept regardless of the value. You must return the gift. (F.S. 112.31485)
 - ☐ If you accidentally accept a prohibited gift, you have 90 days to pay the giver the required amount to either reduce the value to under \$100 or pay for the gift is necessary per the rules outlined above.

3. **EVERY gift has a VALUE, including gifts that are “free” and “open to the public.”**
 - ☐ State gift laws provide formulas for calculating the value of every gift, even those that are open to the public or include “free” components.
 - ☐ If a gift has a face value or sticker price, this will determine the value of the gift.
 - ☐ If there is no face value or sticker price, or if a gift is labeled FREE, the value might be determined by comparable products/services or the total cost of an event divided by the number of invitations.
 - ☐ Valuing gifts under Florida law can be quite complicated. Please consult the Ethics Office if a gift is labeled “free” or if the face value or sticker price is not readily available.
4. **If an invitation or gift has your name on it, it is a gift to you.**
 - ☐ If a gift comes to you and you decide to give it to someone else, it is still considered a gift to you and should be processed accordingly.
 - ☐ If you get an invitation and you decide to take your ECA (or anyone) along, all of the tickets are a gift to you, and should be processed and valued accordingly.
5. **Report Allowable Gifts over \$100**
 - ☐ Allowable gifts over \$100 (those from person or entity that is not a relative or a City vendor, lobbyist or employs City lobbyists) must be reported on a Form 9 gift disclosure.
 - ☐ Can disclose as early and often as you wish
 - ☐ Form 9 due March 31 for gifts received October to December prior year
 - ☐ Form 9 due June 30 for gifts received January to March
 - ☐ Form 9 due September 30 for gifts received April to June
 - ☐ Form 9 due December 31 for gifts received July to September
 - ☐ Keep track of the giver, date received, a description, and the value of gifts.
6. **Reporting “Gifts to the City”**
 - ☐ Gifts to the City come into the City and are used by/at the City or are distributed to City officials or employees at the City's discretion.
 - ☐ Examples: Sandwich tray, lunch and learn, cookies, used chairs that are donated to City offices, grills used at JFRD Fire Stations, Home and Patio Show tickets that can be distributed at the direction of the Department Head.
 - ☐ “Gifts to the City” must be accepted by the Department Head and reported by the Department Ethics Director on the City Gift Registry.

In addition, please be aware that even if a gift is legally allowed under state and local laws, it could still harm public trust and result in negative publicity. Be particularly aware that attending private parties with vendors, lobbyists, and those employing lobbyists can elicit public scrutiny regardless of the details.

Finally, please note that penalties for violating gifts laws can include civil sanctions, criminal charges, removal from office and/or disciplinary actions in accordance with established disciplinary procedures.