

**CITY OF TALLAHASSEE
INDEPENDENT ETHICS BOARD**

AO 2026-02 – June 16, 2026

**MISUSE OF PUBLIC POSITION
ORD. NO.: 2-8**

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

**DISCLOSURE OR USE OF NON-PUBLIC INFORMATION
ORD. NO.: 2-17**

To: Name withheld at person's request.

SUMMARY:

A City employee who qualifies as a “covered individual” under the Tallahassee Ethics Code may serve as an uncompensated member of the board of directors of a local nonprofit organization, provided that he or she does so in his or her private capacity and does not use his or her City position, City resources, or non-public information to benefit the organization.

The Tallahassee Ethics Code does not prohibit the nonprofit organization from applying for Human Services or Community Human Service Partnership (CHSP) grant funding solely because the employee serves on its board. If the nonprofit, however, applies for or receives City funding, the employee must not participate in any City matter involving the nonprofit, including grant review, funding recommendations, contract management, compliance monitoring, enforcement, renewal, or internal City discussions.

The employee’s uncompensated board service does not alone constitute the acceptance of a prohibited gift. If the nonprofit, however, becomes a prohibited donor under Section 2-15, the employee may not accept gifts, meals, beverages, tickets, travel, lodging, or other things of value from the organization unless an exception recognized by law applies. This includes food and beverages provided during board meetings, even if offered to all board members.

The Tallahassee Ethics Board does not issue advisory opinions interpreting the state ethics code (Chap. 112, Part III, *Florida Statutes*). Because the facts presented may implicate Sections 112.313(3) and 112.313(7), *Florida Statutes*, the employee should seek guidance from the Florida Commission on Ethics regarding any state-law issues.

FACTS:

The inquirer is an employee of the City of Tallahassee. He or she works in Human Services and is a procurement officer. Based on the facts provided, the inquirer meets the definition of a “covered individual” under the Tallahassee Ethics Code. *See* § 2-4, TALLAHASSEE, FLA., CODE OF ORDINANCES (2026).

The inquirer was asked by a local nonprofit organization to serve as a member of its board of directors. Before responding to the organization, the inquirer sought guidance regarding whether his or her service would create a conflict of interest or violate the Tallahassee Ethics Code.

The inquirer states that, while he or she works in Human Services, he or she does not participate directly in the Community Human Service Partnership grant process. According to the inquirer, his or her only tasks associated with CHSP are to complete monitoring of compliance, which is performed in direct partnership with the nonprofit's Executive Director or Chief Executive Officer, not with the organization's board of directors.

The inquirer further states that the Human Services grant process is volunteer driven. According to the inquirer, volunteers make funding recommendations, while Human Services staff contract-manage the grants.

At this time, the nonprofit organization does not receive and is unsure whether it will ever apply for CHSP funding. The inquirer seeks guidance regarding whether service on the nonprofit's board of directors would affect the organization's ability to apply for Human Services grants and whether the employee's board service would violate the Tallahassee Ethics Code.

QUESTION #1:

Would a City employee who is a procurement officer and covered individual violate Section 2-8 of the Tallahassee Ethics Code, Misuse of Public Position, by serving as an uncompensated member of the board of directors of a local nonprofit organization that may later apply for Human Services or CHSP grant funding?

This question is answered in the negative, subject to the restrictions and conditions set forth below.

ANALYSIS #1:

The Tallahassee Ethics Code prohibits City employees from misusing their official position, City property, or City resources. The applicable provision states:

No public official or employee of the city shall use or attempt to use their official position or any city property or resource which may be within their trust, or perform or fail to perform, their official duties, in a manner inconsistent with the proper performance of the official's or employee's office and which the official or employee knows or should know with the exercise of reasonable care will result in a special privilege, benefit, or exemption for the employee, official, or others.

This provision is more stringent than the comparable state-law misuse provision because the Tallahassee Ethics Code does not require a showing of wrongful intent. The inquiry under the Tallahassee Ethics Code focuses on whether the employee used, attempted to use, or failed to properly perform his or her City duties in a manner he or she knew or reasonably should have known would result in a special privilege, benefit, or exemption for himself or herself, or others.

The Tallahassee Ethics Code defines “benefit” to include anything of value, including compensation, reward, or pecuniary gain not equally available to similarly situated members of the general public. It defines “resource” to include information gained principally through one’s position with the City and not available to the general public. It defines “special privilege” as an economic benefit of any kind that inures to the person and is not equally available to similarly situated members of the general public. *See* § 2-4, TALLAHASSEE, FLA., CODE OF ORDINANCES (2026).

The threshold question is whether uncompensated service on the board of directors of a local nonprofit organization alone constitutes misuse of public position. Based on the facts presented, it does not.

A City employee does not misuse his or her public position merely by engaging in private civic or charitable service. Public employees may participate in community organizations, volunteer boards, and nonprofit activities. Such civic participation is not prohibited by the Tallahassee Ethics Code so long as the employee does not use his or her City position, City resources, or official authority, to advance the interests of the private organization.

Here, the inquirer has stated that he or she would not receive compensation or any other personal benefit from serving on the nonprofit’s board. The inquirer has not stated that he or she intends to use City time, City equipment, City resources, or his or her City title to support the nonprofit organization. Based on those facts, service on the nonprofit’s board of directors alone would not violate Section 2-8.

The analysis changes if the nonprofit organization applies for, receives, or seeks renewal of Human Services or CHSP funding.

The inquirer works in Human Services. While he or she does not participate directly in the CHSP grant process, he or she states that his or her CHSP-related duties include monitoring compliance. Compliance monitoring is not merely ceremonial or unrelated to the grant process. Compliance monitoring may affect whether a grantee remains in good standing, whether corrective action is required, and whether future funding may be affected.

If the nonprofit organization were to apply for or receive Human Services or CHSP funding, the employee could not participate in any City matter involving the nonprofit organization. Such participation would create a substantial risk that the employee would be using, attempting to use, performing, or failing to perform his or her official duties in a manner resulting in a special benefit to the nonprofit organization.

The inquirer says that the grant process is volunteer driven, but this fact does not resolve the conflict. Even if volunteers make funding recommendations, City staff still administer and manage the grant process. City staff may possess information, or influence to affect a grantee's standing. For that reason, the employee must be separated from all City action involving the nonprofit organization if it applies for or receives Human Services or CHSP funding.

The Tallahassee Ethics Code would not prohibit the nonprofit organization from applying for Human Services or CHSP funding if the inquirer serves on its board of directors. The burden falls on the employee and the City to ensure that the employee does not use his or her public position or official duties to benefit the organization and does not participate in City matters involving the organization.

CONCLUSION #1:

Accordingly, based on the facts presented by the inquirer and this Board's reliance on those facts, the Tallahassee Independent Ethics Board concludes that the employee's uncompensated service on the board of directors of a local nonprofit organization, standing alone, would not constitute misuse of public position in violation of the Tallahassee Ethics Code.

If the nonprofit organization, however, applies for or receives Human Services or CHSP funding, the employee must not participate in any City action involving the nonprofit organization, including but not limited to grant application review, scoring, funding recommendations, compliance monitoring, or internal City discussions concerning the nonprofit organization.

The nonprofit organization is not prohibited by the Tallahassee Ethics Code from applying for Human Services or CHSP funding solely because the employee serves on its board of directors. The employee's continued board service, however, would require a formal and complete separation between his or her City duties and any City matter involving the nonprofit organization.

QUESTION #2:

Would a City employee who is a procurement officer and covered individual violate Section 2-15 of the Tallahassee Ethics Code, Solicitation or Acceptance of Gifts, by accepting an invitation to serve as an uncompensated member of the board of directors of a local nonprofit organization?

This question is answered in the negative, subject to the restrictions and conditions set forth below.

ANALYSIS #2:

The Tallahassee Ethics Code prohibits covered individuals from knowingly, directly or indirectly, accepting or soliciting gifts from certain prohibited donors. The applicable provision states:

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, FLA., CODE OF ORDINANCES (2026).

The gift prohibition applies only to “covered individuals.” The Tallahassee Ethics Code defines “covered individual” to include:

- (1) Public officials;
- (2) Employees and members of city boards, commissions, or councils who are required by Section 112.3145, *Florida Statutes*, to file an annual financial disclosure, including any employees with purchasing authority exceeding \$35,000.00; and
- (3) Employees who are a procurement employee.

The Tallahassee Ethics Code further defines “procurement employee” as any City employee who has participated in the preceding twelve 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, 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. *See* § 2-4, TALLAHASSEE, FLA., CODE OF ORDINANCES (2026).

Based on the facts presented, the inquirer is a procurement officer and is therefore a covered individual under the Tallahassee Ethics Code.

The next question is whether an invitation to serve as an uncompensated nonprofit board member constitutes a “gift.” The Tallahassee Ethics Code incorporates the state-law definition of “gift.” A gift includes something accepted by or on behalf of a donee, directly or indirectly, for which equal or greater consideration is not given. The definition expressly includes food and beverages.

Again, the employee has stated that the nonprofit organization would not provide compensation or anything else of value in exchange for board service. If the board service is truly uncompensated and provides no personal benefit, the invitation to serve on the board alone does not appear to constitute acceptance of a prohibited gift.

Section 2-15, however, must only be considered if the nonprofit organization is or becomes a prohibited donor under the Tallahassee Ethics Code. The prohibited donor categories include City vendors, lessees of City property, lobbyists, principals, or employers of lobbyists who lobby,

sell, or lease to the City, potential vendors or lessees currently engaged in procurement or negotiations with the City, and entities involved in a bid protest.

If the nonprofit organization applies for or receives City funding, the organization may become a City vendor or potential vendor depending on the structure of the grant, contract, or funding arrangement. The Ethics Board does not need to determine that question in this advisory opinion because, based on the facts presented, the nonprofit organization is unsure whether it will ever apply for CHSP funding. Nevertheless, if the nonprofit organization becomes a City vendor, falling within a prohibited donor category, the employee may not accept gifts from the nonprofit organization unless an exception recognized by law applies.

This includes food and beverages provided during nonprofit board meetings. If the nonprofit organization becomes a prohibited donor under Section 2-15, the employee should not accept food, beverages, or refreshments provided by the nonprofit organization merely because those items are made available to all board members. In such a case, the employee should decline food and beverages provided at board meetings, bring his or her own food or beverage, or pay the full value of anything he or she accepts. This recommendation applies even if the food and beverages are ordinary refreshments, of minimal value, or are offered equally to all board members. This prohibition does not necessarily extend to reimbursement of actual out-of-pocket expenses incurred in connection with legitimate nonprofit board service.

CONCLUSION #2:

Accordingly, based on the facts presented by the inquirer and this Board's reliance on those facts, the Tallahassee Independent Ethics Board concludes that the employee's acceptance of an uncompensated position on the board of directors of a local nonprofit organization, standing alone, would not violate the Tallahassee Ethics Code.

If the nonprofit organization, however, becomes a City vendor, lessee of City property, lobbyist or any principal or employer of a lobbyist, the employee may not accept gifts, meals, beverages, tickets, travel, lodging, special benefits, or other things of value from the nonprofit organization unless an exception recognized by law applies.

If the nonprofit organization becomes a prohibited donor, this restriction includes food and beverages provided during board meetings even if such items are offered to all board members. The employee should decline such items, bring his or her own food or beverage, or pay the full value of anything accepted.

QUESTION #3:

Would a City employee, who is a procurement officer and covered individual, violate Section 2-17 of the Tallahassee Ethics Code, Disclosure or Use of Non-Public Information, by serving as an uncompensated member of the board of directors of a local nonprofit organization that may later apply for Human Services or CHSP grant funding?

This question is answered in the negative, subject to the restrictions and conditions set forth below.

ANALYSIS #3:

The Tallahassee Ethics Code prohibits covered individuals from disclosing or using non-public information gained by reason of their official position for personal gain or benefit or for the personal gain or benefit of any other person or business entity.

The applicable provision states:

A covered individual shall not disclose or use information that is not available to members of the public and that was gained by reason of his or her official position, except for information relating exclusively to governmental practices, for the covered individual's personal gain or benefit or for the personal gain or benefit of any other person or business entity.

§ 2-17, TALLAHASSEE, FLA., CODE OF ORDINANCES (2026).

As discussed above, the inquirer is a covered individual. Accordingly, he or she may not disclose or use non-public information gained by reason of his or her City position to benefit himself or herself, the nonprofit organization, or any other person or business entity.

The risk under Section 2-17, however, is significant if the nonprofit organization applies for or receives Human Services or CHSP funding. The inquirer works in Human Services and has CHSP-related compliance-monitoring responsibilities. Due to his or her City position, he or she may have access to information that is not available to the general public. The employee may not disclose or use such information in his or her private board capacity.

The fact that the employee's current CHSP tasks involve compliance monitoring rather than funding recommendations does not eliminate the restriction. Section 2-17 applies to any non-public information gained by reason of the employee's official position. Compliance information may be just as sensitive as application-review information, particularly where it affects a grantee's standing, eligibility, or future funding.

CONCLUSION #3:

Accordingly, based on the facts presented by the inquirer and this Board's reliance on those facts, the Tallahassee Independent Ethics Board concludes that the employee's uncompensated service on the board of directors of a local nonprofit organization, standing alone, would not violate Section 2-17 of the Tallahassee Ethics Code.

The employee, however, may not disclose or use non-public information gained by reason of his or her City position to benefit herself, the nonprofit organization, or any other person or

business entity. It is important to note that this prohibition applies to the inquirer regardless of his or her membership on the nonprofit's board of directors.

QUESTION #4:

Does the Tallahassee Ethics Code prohibit the nonprofit from applying for Human Services or CHSP grant funding because a City employee serves on its board of directors?

This question is answered in the negative.

ANALYSIS #4:

The Tallahassee Independent Ethics Board's jurisdiction is limited to those persons and matters subject to the Tallahassee Ethics Code. The nonprofit organization and its officers are not City public officials, City employees, covered individuals, or members of a City board, commission, or committee. Accordingly, they are not subject to the jurisdiction of the Tallahassee Independent Ethics Board.

Nothing in Sections 2-8, 2-15, or 2-17 of the Tallahassee Ethics Code prohibits the nonprofit organization from applying for Human Services or CHSP grant funding merely because a City employee serves on the organization's board of directors.

This opinion, however, addresses only the Tallahassee Ethics Code. It does not address whether any other City grant rules, procurement requirements, administrative policies, contract provisions, or state-law requirements may affect the nonprofit organization's eligibility to apply for or receive City funding.

CONCLUSION #4:

Accordingly, based on the facts presented by the inquirer and this Board's reliance on those facts, the Tallahassee Independent Ethics Board concludes that the Tallahassee Ethics Code does not prohibit the nonprofit organization from applying for Human Services or CHSP grant funding solely because the employee serves on its board of directors.

The nonprofit organization and its officers are beyond the jurisdiction of the Tallahassee Independent Ethics Board for purposes of this advisory opinion. This conclusion is limited to the Tallahassee Ethics Code and does not address any other City rules, grant requirements, procurement policies, contract provisions, or state-law requirements that may apply.

STATE ETHICS CODE ISSUES OUTSIDE SCOPE OF ADVISORY OPINION

Although the inquirer seeks guidance under the Tallahassee Ethics Code, the facts presented may also run afoul of provisions of the state ethics code.

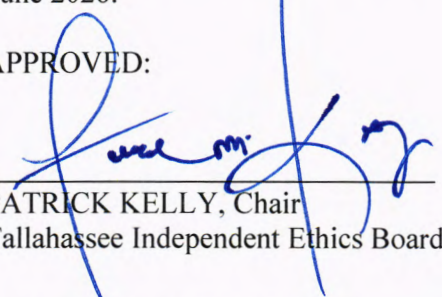
The Tallahassee Ethics Code provisions addressed in this advisory opinion concern misuse of public position, solicitation or acceptance of gifts, and disclosure or use of non-public information. The local code does not contain prohibitions equivalent to Section 112.313(3), *Florida Statutes*, which addresses doing business with one's agency, or Section 112.313(7), *Florida Statutes*, which addresses conflicting employment or contractual relationships.

The Tallahassee Independent Ethics Board does not render an opinion as to whether the inquirer's proposed board service would comply with any provision of the state ethics code (Chap. 112, Part III, *Florida Statutes*). Any such determination would fall within the jurisdiction of the Florida Commission on Ethics.

The Board recommends that the inquirer seek guidance from the Florida Commission on Ethics regarding any potential state law issues before accepting the board position or before the nonprofit organization applies for or receives *City funding*.

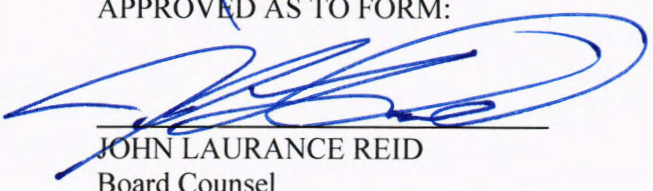
ORDERED by the City of Tallahassee Independent Ethics Board meeting in public session on June 16, 2026, and **RENDERED** this 16th day of June 2026.

APPROVED:



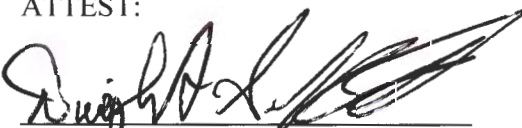
PATRICK KELLY, Chair
Tallahassee Independent Ethics Board

APPROVED AS TO FORM:



JOHN LAURANCE REID
Board Counsel

ATTEST:



DWIGHT A. FLOYD
Independent Ethics Officer