

Guidance on Consumable Gifts (Food, Wine) Given By Lobbyists or Vendors of UF, or Their Principals

Whether UF officials may accept gifts depends on their source. Under Florida Ethics Law “*Reporting Individuals*” (trustees, president, vice presidents, deans, lawyers, purchasing agents, personnel officers, grants officials and others who are required to file a Form 1 financial disclosure annually with the Ethics Commission) are prohibited from receiving gifts *of any value* from executive branch lobbyists or principals of lobbyists. A “lobbyist” is a person who “is employed and receives payment or ... economic consideration” to try to influence the university on behalf of a company or person on general policy or procurement decisions, or even just to obtain the goodwill of a university employee. A lobbyist includes any vendor and potential vendor of UF.

In addition under Florida Law, a “*Procurement Employee*” may not accept any gift *in excess of \$100* in value from a lobbyist or principal of a lobbyist (including a vendor). “Procurement Employee” includes, very broadly, any employee taking any part in making decisions concerning any university purchase of over \$1,000 or the auditing or investigation of a university purchase.

A gift basket or other consumable gift from a lobbyist or principal of a lobbyist (including a vendor) to an office is considered to be a gift to the individuals in that office, not a gift to UF (which would be allowed).

If an office receives a gift basket or other consumable gift from a lobbyist or principal of a lobbyist (including a vendor), the gift should be handled in the following way:

- 1) If the office has Reporting Individuals, the consumable gift (unopened) should be donated to a local charitable organization. If it is infeasible to contribute to a charitable organization, options include these. The gift tags can be removed at delivery (by the receiving assistant) and the gift transferred to an office with no Reporting Individuals. Alternatively, the gift tags can be removed at delivery (by the receiving assistant) and the gift made available to individuals in the office who are not Reporting Individuals; any Reporting Individual must not partake. If there are also Procurement Individuals in the office and the consumable gift exceeds \$100 in value, they also must not partake.
- 2) If the office has no Reporting Individuals, but has Procurement Individuals, the food or other consumable gift may be consumed as long as the value of the gift does not exceed \$100. If it exceeds \$100, the gift should be handled as described in item 1.
- 3) In the unlikely event that the office has no Reporting Individuals or Procurement Individuals, the food or other consumable gift may be consumed by anyone in the office.
- 4) Note that University of Florida Regulation 2.019 forbids any consumption of alcoholic beverages in University of Florida offices, laboratories, classrooms and outdoor public areas of campus. Permits are required for other locales. (See the regulation.)

Persons and entities that donate food baskets or other consumable gifts should be informed of Florida law concerning gifts and encouraged to consider giving a monetary or other non-consumable gift directly to the University of Florida Foundation, Inc., as long as that gift is consonant with the Foundation’s policies.