

FILE 2826 — January 23, 2026

GIFT ACCEPTANCE AND DISCLOSURE

MEMBER OF THE BOARD OF ST. LUCIE COUNTY FIRE DISTRICT GENERAL EMPLOYEE PENSION BOARD WINNING A RAFFLE

To: Kelly Machado (St. Lucie County)

SUMMARY:

A public officer may accept a prize won through participation in a raffle where consideration is exchanged for the chance at winning and the facts support that the prize was not donated with the intent to influence an official act. Where equal or greater consideration is paid for the chance at winning in a raffle, the prize will not be considered a gift. Referenced are CEO 91-69 and CEO 13-2.

QUESTION:

May a public officer accept the prize from a winning raffle ticket in a raffle operated by a local non-profit?

This question is answered as follows.

You currently serve as an employee of the St. Lucie County Fire District and on the General Employee Pension Board for the same. Your position on the pension board requires you to file a Form 1, "Statement of Financial Interests," annually. In your ethics inquiry, you explain that you purchased four raffle tickets from the Humane Society of St. Lucie County, a non-profit organization dedicated to providing compassionate care and safe shelter for homeless animals, as well as education to the community on responsible pet ownership. You purchased the four tickets

for a total price of \$50.00. Each ticket purchased entitled the holder to a chance at winning one of three prizes. Subsequently, you won the Grand Prize, which was a seven-night stay on Cape Cod valued at \$2,850.00.

You became aware of the raffle through a mailing from the Humane Society, thanking you for a previous donation. An advertisement for the raffle was included in the envelope. The raffle was open to the general public and not confined to any specific group or groups. You are not a member of this nonprofit organization, but you do support it with contributions throughout the year. Further, you state that the Humane Society is not a vendor, lobbyist, or the principal of a lobbyist of your agency or board.

In your inquiry, you ask whether there is any prohibition in the Code of Ethics that would prevent you from accepting the prize for the raffle. There are a few laws that limit the conditions under which a public officer or employee may accept a gift or something of value.

Section 112.3148(8), Florida Statutes states:

Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

Essentially, this provision requires a reporting individual or a state procurement employee to disclose certain gifts valued in excess of \$100. The disclosure must occur by filing Form 9, "Quarterly Gift Disclosure," by the last day of the calendar quarter following the quarter in which the gift was received.

Relevant to your inquiry, a "reporting individual" is anyone who is required by law to file financial disclosure, either Form 6, "Full and Public Disclosure of Financial Interests," or Form 1 "Statement of Financial Interests." See § 112.3148(2)(d), Fla. Stat. Because you file a statement of financial interests, you are a reporting individual subject to the gift law.

Section 112.312(12), Florida Statutes, defines the term "gift" as:

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.

The statutory definition also lists several examples of what constitutes a gift. The list is not exhaustive, but it is bound by the general definition above, which more briefly states that a gift is something of value that is received by an individual where that individual does not give equal or greater consideration within 90 days.

The Commission has opined a prize will be considered a "gift" for purposes of Section 112.3148 when equal or greater consideration is not provided to receive it. In CEO 91-69, the attendees at an event put on by the local Chamber of Commerce were automatically entered to win a cash door prize. We considered the door prize to be a gift under the Code of Ethics because it was clear from the facts not only that the attendees were accepting the door prize for themselves and not on behalf of their agency, but also that they provided no consideration for the door prize that they were receiving.

We contrast CEO 91-69 with CEO 13-2. In CEO 13-2, a member of a city council participated in a silent auction to benefit the Rotary Club. At the auction, he bid on and won a poker party for 25 people hosted at a local poker room. His winning bid was \$250.00 and the prize was valued at \$500.00. We found that the prize was not a gift to the councilmember. Even though

he paid less than the retail value of the poker party, it was determined that the auction was a means of setting a fair market price for the prize. We also relied upon the fact that the auction was open to the public, that the councilmember had no special advantage in the auction, and that there was no reasonable way that the donor could know that the councilmember would be the winner (or that he would even bid).

Based on the facts you present in your inquiry, your acceptance of the raffle prize does not subject you to the gift disclosure requirement because the raffle prize is not a gift. Unlike the situation in CEO 91-69, where the Commission found that the door prize was a prohibited gift, the Humane Society raffle was open the general public. Also, unlike CEO 91-69, you paid consideration for a chance to win the prize. Your situation is more akin to the silent auction in CEO 13-2. The raffle you participated in, much like the silent auction in CEO 13-2, was open to the general public, the winner was not foreseeable, and the raffle was not targeted to public employees or officers. These factors serve to demonstrate that you (or any other public officer or employee) did not have odds of winning that were artificially inflated. Also, similar to the silent auction in CEO 13-2, we find that you paid greater or equal consideration for what you received. Essentially, when you paid for the chance to win a prize, and the Humane Society, in turn, agreed to give you the prize, if your name was drawn, in exchange for paying for that chance. See Black's Law Dictionary (12th ed. 2024) (defining "raffle" as "a form of lottery in which each participant buys one or more chances to win a prize.") Because the Humane Society had determined that the price of the raffle ticket was fair consideration for the chance to win the prize being offered, equal consideration was paid.

In your situation, where there is no indication that you had an artificially inflated chance of winning or that the competition was limited to your benefit, we find the difference between the

price of the raffle ticket and the value of the prize to be immaterial. The raffle ticket you purchased is essentially a contract between you and the raffle operator. The award, which was contingent upon the chance event of winning the raffle, is the performance of the bargained-for-exchange upon which the consideration (the raffle ticket price) was premised.¹

For these reasons, we find that the prize you won is not a gift subject to the requirements or prohibitions of the gift law.

Lastly, you should generally be aware of Sections 112.313(2) and (4), Florida Statutes, which would prohibit you from accepting anything of value intended to influence your official conduct. While nothing in your inquiry indicates that these statutes are applicable here, you should nonetheless be aware of them.

In conclusion, you may accept the raffle prize. The prize does not appear to be a gift, and you therefore have no requirement to report it as such under the Code of Ethics.²

Your question is answered accordingly.

JMP/mdt/kjs

cc: Ms. Kelly Machado

¹ This analysis would be different if the raffle violated the provisions in Section 849.0935, Florida Statutes, which makes it a crime to conduct a raffle that is "rigged" or fails to comply with a lengthy list of other requirements intended to ensure fairness and transparency in the administration of a raffle. There is nothing in your inquiry indicating that such a "rigged" raffle occurred here. If you later discover that this raffle was not open to the general public, or was targeted to public officers and employees, or was in some way not compliant with Section 849.0935, please contact us for a new opinion on whether you may have accepted a gift.

² While there is no requirement to report the prize as a gift in this case, as a reporting individual, you may need to report the prize as income on your Statement of Financial Interests for the form year in which you received it.

From: Stillman, Kerrie
Sent: Wednesday, November 12, 2025 11:31 AM
To: Stevenson, Kathryn; Zuilkowski, Steven
Subject: FW: Request for Formal Opinion

We received the following opinion request. Please acknowledge, log, and assign. Thank you.

From: Kelly Machado <moekel@bellsouth.net>
Sent: Tuesday, November 11, 2025 9:17 PM
To: Stillman, Kerrie <STILLMAN.KERRIE@leg.state.fl.us>
Subject: Request for Formal Opinion

Good Day Ms. Stillman;
My name is Kelly Machado and I'm employed by St Lucie County Fire District and am currently a board member on the St Lucie County Fire District General Employee Pension Board.
I am requesting clarification and a formal opinion a position that I currently find myself in. I did contact the Commission on Ethics Office prior to making my request and was not able to get a clear answer on the situation.

On September 23, 2025 I personally bought raffle tickets to benefit the Humane Society of St Lucie County for a fund raiser that they hosted on September 26, 2025.
Unexpectantly and pleasantly surprised, I was notified that I won the grand prize which is a 7 night stay in Cape Cod. The package is valued at \$2,850 and is not eligible for refund of this value or the winning bid or ticket, even if the certificate is not used before the expiration date.

The Humane Society is not in any way affiliated with The Fire District or our pension board. They are a non-profit organization tasked with taking care of many homeless and injured pets in our community. This was merely me making a donation via raffle ticket. I paid \$50 which entitled me to 4 chances at winning 1 of 3 prizes. I do make contributions to them regularly throughout the year.

I would greatly appreciate your opinion on this matter. I would be happy to fill out a Form 9 if you deem it necessary.

Kind Regards,
Kelly Machado
772-528-4798

Terry, Michael

From: Kelly Machado <moekel@bellsouth.net>
Sent: Tuesday, December 30, 2025 1:27 PM
To: Terry, Michael
Subject: Re: Your Formal Ethics Opinion

No, they are not affiliated with my agency in any way.

The Humane Society of St. Lucie County is a non-profit organization dedicated to providing compassionate care and safe shelter for homeless animals and education to the community on responsible pet ownership.

Thank you
Kelly Machado
772-528-4798

On Tuesday, December 30, 2025 at 11:45:05 AM EST, Terry, Michael <terry.michael@leg.state.fl.us> wrote:

Hello Ms. Machado,

I have one final follow- up question. Is the Humane society a lobbyist, principle of a lobbyist, or a vender to your agency?

Regards,



Michael D. Terry
Ethics Attorney
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

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From: Kelly Machado <moekel@bellsouth.net>
Sent: Monday, December 29, 2025 6:38 PM
To: Terry, Michael <TERRY.MICHAEL@leg.state.fl.us>
Subject: Re: Your Formal Ethics Opinion

Good Evening Michael

Here are the answers to your questions -

1. I received a thank you letter for a previous donation that I made to the Humane Society of St Lucie County and they had an advertisement included in the envelope.
2. The fundraiser and raffle were open to the public - anyone could participate
3. No I'm not a member and I do not believe that they have memberships. I know that they are always hoping for monthly donors but I do not give donations every month.
 - a. N/A
4. The other 2 prizes were a weekend getaway to Captain Hiram's in Sebastian and a skybox suite at at St Lucie Mets baseball game.
 - a. I do not know who those items.

I can provide a contact number if you need to speak to someone at the Humane Society.

Kind Regards,

Kelly Machado

772-528-4798

On Monday, December 29, 2025 at 04:14:05 PM EST, Terry, Michael <terry.michael@leg.state.fl.us> wrote:

Hello Ms. Machado,

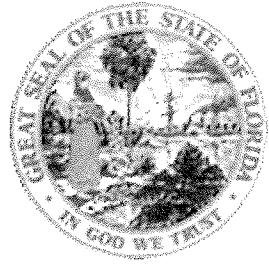
I am working on finalizing the draft of your opinion to present to the Commission, and I have a few questions that will help me to wrap it up.

1. How was the Raffle advertised?
 - a. How did you become aware of it?
2. Who could participate?
 - a. Was it only members, was it open to the general public, or by invitation?
3. Are you a member of organization, if they offer memberships?
 - a. If so, did you have any involvement in setting up or running the raffle? (To be clear, this is not about any indication of wrongdoing, just that it is a piece of information that can help shape our opinion)
4. What were the other 2 two prizes that could be won?
 - a. Do you happen to know who won them?

Thank you for your patience with our process. We look forward to completing the opinion soon in order to get it onto our January meeting mailout. That said, the sooner we can get these answers the better the possibility of that happening. If it would be quicker or easier for you to give me the answers over the phone, we could also do that. My contact information is below in the signature.

Regards,

Michael D. Terry
Ethics Attorney
Florida Commission on Ethics
P.O. Drawer 15709



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