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**MEMORANDUM**

**TO:** Commissioner Lamar P. Fisher

**FROM:** Neil Sharma, Assistant County Attorney

**DATE:** December 5, 2018

**RE:** **Offer to Speak at the Associated General Contractors of America South Florida Chapter's First Friday Luncheon  
CAO File: 18-15(E)**

You have been invited to speak at the Associated General Contractors of South Florida's (the "Organization") First Friday Luncheon (the "Event") on December 7, 2018. You will not be paid for your participation at the Event and your attendance is at no cost to you; however, the Event includes food and beverage at a per person cost of \$47. The event is being sponsored by Aon (the "Sponsor").

At the Event, you will be giving a talk on the future of your District and Broward County. If you believe that any of these facts is not accurate, please let us know, as different facts might impact our analysis.

A search of the County's databases reveals that the Organization and the Sponsor are not County vendors, contractors, lobbyists, or principals of County lobbyists. You have asked whether you may accept the Organization's offer to speak at the Event and associated food and beverage expense. It is our opinion that, for the reasons stated below, you may accept the invitation to speak at the Event and any food or beverage without incurring any reimbursement obligation.

Under Section 112.3148(4), Florida Statutes, absent any applicable exception, County Commissioners are "prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the [County] . . . or [from] a lobbyist who lobbies the [County Commission,] or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100 . . .". There is no monetary limitation on gifts from other sources.

The term "gift" does not include "[a]n honorarium or an expense related to an honorarium event paid to a person . . ." §112.312(12)(b)(3), Fla. Stat. "Honorarium" means a payment of money or anything of value . . . to a reporting individual . . . for [a] speech,

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address, oration, or other oral presentation by the reporting individual . . . , regardless of whether presented in person, recorded, or broadcast over the media. § 112.3149 (a), Fla. Stat. "Generally, if the purpose of the trip is for [a Commissioner] to give a speech and the inviting entity pays only actual and reasonable transportation, lodging, and food and beverage expenses, those expenses will be considered to be related to an honorarium event." CEO 91-4.

Under the Broward County Ethics Code, with certain exceptions not applicable here, Commissioners cannot accept any gift, directly or indirectly, from a lobbyist or vendor, which gift exceeds \$5. "Elected officials may accept gifts from other sources given to them in their official capacity . . . up to a maximum of \$50.00 per occurrence." The terms "gift" and "honorarium" are defined the same as under Florida law. § 1-19(b), Broward Cnty. Code of Ords.

Given the same definitions of "gift" and "honorarium" per Florida law and the Broward County Ethics Code, the same analysis applies under both authorities. As such, you are not prohibited from accepting the food and beverage expense associated with the Event because such expense is an honorarium related expense and not a gift pursuant to Florida law and the County's Code.

Additionally, even if the food and beverage expense for the Event were to constitute a "gift" under Florida law and the County's Code, which we do not believe it does, the value of the "gift" is \$47 and could be accepted without any reimbursement obligation because the Organization and Sponsor are not County vendors, contractors, lobbyists, or principals of County lobbyists.

This Office opines that you do not have to file a Form 10 disclosing payment of the food and beverage expense for the Event because such expense is an honorarium-related expense from a source for which disclosure is not required. See 112.3149(6). Please contact the County Attorney (x7601) or me (x7118) if we may be of further assistance on this matter.

/s/ Neil K. Sharma  
Assistant County Attorney

cc: Andrew J. Meyers, County Attorney