

MEMORANDUM

TO: Vice-Mayor Dale V.C. Holness
FROM: Rocio Blanco Garcia, Assistant County Attorney
DATE: November 4, 2019

RE: Offer to Pay the Reasonable Travel Expenses of Vice-Mayor Holness to Participate as a Panelist at the City Mayor's Roundtable at the National Coalition of Black Meeting Professionals' Annual Conference in New Orleans on November 14, 2019
CAO File: 19-07E (Gifts)

The National Coalition of Black Meeting Professionals (NCBMP) has invited you to participate as a panelist at the City Mayor's Roundtable at the organization's Annual Conference in New Orleans on November 14, 2019. You will not be paid for speaking at the event, but NCBMP has offered to pay for your reasonable travel expenses. A search of the County's database reveals that NCBMP is a County vendor or contractor.

You have asked whether you may accept NCBMP's offer to pay for your travel-related expenses. It is our opinion that, for the reasons stated below, you may accept payment of your travel-related expenses from NCBMP without incurring any reimbursement obligation.

While Florida law and the County Code of Ordinances prohibit a County Commissioner from accepting gifts from certain entities, including County vendors or contractors, 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, 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 such circumstances, the travel expenses ... will not constitute a "gift." " *Id.* The County Code defines a "gift" in the same manner as Florida law. § 1-19(b), Broward County Code of Ordinances.

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Because "gift" does not include payment of honorarium-related expenses, the County's Code would not prohibit you from accepting payment for the travel expenses associated with the NCBMP event. Therefore, you may accept payment for your reasonable travel-related expenses without incurring reimbursement obligations.

Disclosure Obligations:

1. Florida Statute Section 112.3149(6) requires that you disclose payment of any honorarium-related expenses. As such, you should file a Form 10 disclosing payment of your actual and reasonable travel expenses for this event. A copy of the statement provided to you by the entity that provided you with honorarium-related expenses (discussed below) should be attached to the Form 10. The Form 10 and attached statement should be included with your annual financial disclosure (Form 6) and submitted to the Florida Commission on Ethics by July 1, 2020.
2. Florida Statute Section 112.3149(5) requires that certain entities, including County vendors, provide you with a statement of the travel-related expenses provided to you for the honorarium event within 60 days after the event takes place. This statement must include the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the honorarium event.

Please contact the County Attorney or me (ext. 8640) if we may be of further assistance on this matter.

/s/ Rocio Blanco Garcia
Rocio Blanco Garcia
Assistant County Attorney

cc: Andrew J. Meyers, County Attorney