

**ETHICS OPINION**  
*Office of the City Attorney*

**TO:** Commissioner Josh Simmons  
**FROM:** John J. Hearn, City Attorney  
**RE:** Attending the U.S. to Kenya Exchange  
**DATE:** August 17, 2023

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You have asked if you may attend the U.S. to Kenya Exchange (“Exchange”) organized by the American Counsel of Young Political Leaders (ACYPL), in partnership with the Hanns Seidel Foundation. ACYPL is a non-partisan 501(c)(3) organization that conducts international exchanges, allowing emerging leaders between the ages of 25 and 40 to experience firsthand the political and cultural dynamics of other countries. ACYPL funds its programs in part from a grant received from the U.S. Department of State, Bureau of Educational and Cultural Affairs.

You have been invited to participate in this Exchange as a delegate, which involves you sharing your experiences and ideas as an elected official through oral presentations, numerous group meetings, and participation exchanges. The details above have been confirmed by Shannon Billings, the CFO and Chief of Staff of ACYPL. If these facts are incorrect or inaccurate in any way, please let us know, because it may affect the opinion that we give.

The Broward County Code of Ethics provides that Municipal Elected Officials “shall not accept gifts, directly or indirectly, regardless of value” from any lobbyist registered with the City, from any principal/employer of any such lobbyist, or from vendors or contractors of the City. Section 1-19(c)(1)a., County Code of Ordinances. Commissioners may accept gifts in an “official capacity” from “other sources” up to \$50.00 per occurrence. “Gift” is defined in accordance with Chapter 112, Florida Statutes.

Section 1-19(c)(1)b., County Code of Ordinances. “Gift” does not include anything provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization. Section 112.312(12)(b)(8), Florida Statutes.

ACYPL is not a lobbyist, vendor, or contractor of the City. The Broward County Ethics Ordinance limits gifts given to municipal elected officials in their official capacity from “other sources” up to \$50.00. Therefore, you may only accept a gift relating to the Exchange (including travel expenses, accommodations, and registration fees) from ACYPL up to \$50.00.

Our office conducted further research to ascertain whether your attendance at the Exchange would be considered an honorarium under state law, and not a “gift”, since you would be participating as speaker and panelist.

Section 112.312(12)(b)(3) exempts “[a]n honorarium or an expense related to an honorarium event paid to a person” from the definition of “gift”. Florida Commission on Ethics Rule 34-13.220 fully defines an “honorarium”, and sets forth factors which the Commission will consider in determining the reasonableness of honorarium related expenses. These factors must be applied to each individual case to determine whether expenses related to giving a speech constitute an “honorarium”.

Applying these factors, it appears that your payment of your expenses in this case would constitute an honorarium, since you received a written invitation to participate as a delegate at the Exchange, it is anticipated that you would also serve as a speaker, you would have to travel internationally to the Exchange, your participation is particularly significant where the City and ACYPL have an ongoing professional relationship, and it is anticipated that your travel expenses are comparable to travel expenses incurred by other persons attending the event.

The City has previously requested an informal opinion from the Florida Commission on Ethics for a similar situation which concluded that expenses related to the Seminar the Mayor was attending would qualify as honorarium expenses. A note was made that although none of the anticipated expenses would be entertainment-related, those expenses would not qualify as honorarium expenses if provided.

In conclusion, based upon our review of state law, the information provided by Ms. Billings, and the past ethics opinion we have received, you may accept the travel, accommodation, food and transportation expenses provided by ACYPL related to this Exchange.

If you need additional guidance regarding this matter, please feel free to contact my office.