



954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Vice-Mayor Dale V.C. Holness

FROM: Rocio Blanco Garcia, Assistant County Attorney

DATE: December 5, 2018

RE: **Offer to Pay for the Reasonable Travel Expenses of Vice-Mayor Dale V.C. Holness to Participate as a Speaker at the National Immigrant Integration Conference in Washington D.C.
CAO File: 18-14(E)**

You have been invited to participate as a speaker at the Opening Plenary of the National Immigrant Integration Conference and at a naturalization workshop to take place on December 9 and 10, 2018, in Washington D.C. You will not be paid for your participation at the events; however, the National Partnership for New Americans and the Florida Immigrant Coalition (collectively "donors") have offered to pay for your reasonable travel expenses, which include three hotel nights and a flight to and from Washington D.C., at a total cost of approximately \$775.

During the December 9 Opening Plenary, you will be part of a four-member panel that will engage in a substantive discussion on integration initiatives. On December 10, you will give a presentation on naturalization that is expected to last approximately 30 minutes. 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 donors are not County vendors, County contractors, County lobbyists, or principals or employers of lobbyists of the County. You have asked whether you may accept the donors' offer to pay for your travel-related expenses. It is our opinion that, for the reasons stated below, you may accept payment for your travel-related expenses without any reimbursement obligation.

Under the state and county codes of ethics, there are two primary restrictions on the acceptance of gifts. The first is that no gift may be solicited or accepted if it may reasonably be perceived to have been given to encourage you to take any action in your official capacity. Section 112.313(2), Florida Statutes. The second restriction caps the value of gifts that may be accepted from certain donors.

Florida Law:

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, 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.*

There is no indication that the travel expenses are being offered to influence your official position on the matter. Moreover, because the travel expenses at issue are an honorarium-related expense, payment for such reasonable travel expenses is not a gift, and you may accept same.

County’s Code:

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 term “gift” is defined as under Florida Law. § 1-19(b), Broward Cnty. Code of Ords.

Because “gift” does not include payment of honorarium-related expenses such as these, the County’s Code would not prohibit you from accepting payment for the travel expenses associated with these events.

Disclosure Obligations:

This Office opines that you do not have to file a Form 10 disclosing payment of your actual and reasonable travel expenses because payment of such expenses is an honorarium-related expense from a source for which disclosure is not required. See 112.3149(6).

Vice-Mayor Dale V.C. Holness
December 5, 2018
Page 3

Please contact the County Attorney (xt7601) or me (xt8640) 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