
2011
City of Jacksonville
Sunshine Law
Public Records Law and
Ethics Training Program

STATE ETHICS LAWS

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ETHICS LAW

I. Introduction

Ethics laws apply to all public officers and employees. They are contained in state statutes and in local ordinances. These laws generally consist of two types of provisions: 1) those **prohibiting certain actions or conduct** (gifts, honorarium, conflicts of interest); and 2) **those requiring certain disclosures** (financial disclosure).

This outline is tailored to highlight statutory and ordinance provisions as they pertain to public officers. We suggest that you review the wording of the actual law included in this outline in Appendix A, or contact the Office of General Counsel should you have specific questions or situations about which you are in doubt.

Throughout this outline, citations to the appropriate laws are contained in brackets.

II. Gifts (See Exhibit E)

A. Definitions [F.S. § 112.312(12)]

1. Gift

A gift is anything accepted by a person or on that person's behalf, directly or indirectly, for that person's benefit, equal or greater consideration is not given.

a. "Gift" includes:

- (1) real property or the use thereof;
- (2) tangible or intangible personal property or the use thereof;
- (3) a preferential rate or terms on a transaction not available to others similarly situated;
- (4) forgiveness of a debt;
- (5) transportation (unless provided in relation to officially approved governmental business), lodging, or parking;
- (6) food or beverage;
- (7) dues, fees and tickets;
- (8) plants and flowers;
- (9) personal services for which a fee is normally charged by the provider; and
- (10) any other thing or service having an attributable value.

[F.S. § 112.312(12)(a)]

b. "Gift" does not include:

- (1) Salary, benefits, services, fees, gifts, commissions, or expenses associated primarily with one's employment, business, or service as an officer or director of a corporation or organization;
- (2) campaign contributions or expenditures pursuant to the elections laws;
- (3) an honorarium or honorarium expense;

- (4) an award, plaque, certificate, etc., given in recognition of public, civic, charitable or professional service;
- (5) honorary membership in a service or fraternal organization; and
- (6) the use of a public facility or public property made available by a governmental agency for a public purpose.
[F.S. §112.312.(12)(b)]

2. Lobbyist

"Lobbyist" means any person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or his or her agency. [F.S. §112.3148(2)(b)1.]

B. Solicitation Prohibitions - [F.S. §112.3148(3)]

A public officer is prohibited from soliciting any gift, food or beverage from a political committee, committee of continuous existence, or lobbyist who has lobbied his agency within the past 12 months, or from a partner, firm, employer or principal of such a lobbyist.

C. Acceptance Prohibitions - [F.S. §112.3148(4)]

A public officer is prohibited from directly or indirectly accepting a gift worth over \$100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or committee of continuous existence. Such a gift may be accepted on behalf of a governmental entity, provided the gift is promptly transferred to the intended entity.

D. Gift Giving Prohibitions - [F.S. §112.3148(5)(a)]

1. Political committees are prohibited from giving gifts valued at over \$100 to any public officer.
2. Lobbyists are prohibited from giving a gift valued at over \$100 to a public officer or to others on their behalf, if the lobbyist lobbies the agency (e.g. the Council).

E. Gifts over \$25 and Not Exceeding \$100 - [F.S. §112.3148(5)(b)]

1. A public officer may accept a gift valued at over \$25 but not exceeding \$100 from a lobbyist or a political committee.
2. The lobbyist or political committee who gives a public officer a gift valued at over \$25, but not exceeding \$100, must report such gifts on Commission on Ethics Form 30 by the last day of the calendar quarter for gifts given in the preceding quarter.

3. Such donors must notify the recipient at the time a reportable gift is made, that the gift will be disclosed.

F. Gifts from Government Agencies - [F.S. §112.3148(6)]

1. Government entities which lobby other governmental entities may give a gift worth over \$100 to a public officer if a public purpose can be shown for the gift.
2. The governmental entity giving such gift must provide the recipient with a statement describing the gift, the date it was given, and its value no later than March 1 of the following year. The reporting individual/recipient then must disclose this information on the Commission on Ethics Form 10, which is to be filed by July 1 with his annual financial disclosure.

G. Gift Disclosure by Reporting Individuals (See Exhibit C)

1. Quarterly Gift Disclosure Form 9 [F.S. §112.3148(6)(d)]

- a. Public officers must file a FORM 9, Quarterly Gift Disclosure, with the Secretary of State on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth over \$100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed.
- b. FORM 9 need not be filed if no such gift was received during the calendar quarter.
- c. Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [F.S. §112.3148]

2. Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses - Form 10 [F.S. §112.3148(6)] (See Exhibit D)

- a. State government entities, may give a gift worth over \$100 to a public officer, if a public purpose can be shown for the gift. Also, a direct-support organization for a government entity may give such a gift to a person who is a public officer. These gifts are to be reported on FORM 10, to be filed by July 1. [F.S. §112.3148(6)]
- b. The governmental entity giving the gift must provide the officer with a statement about the gift no later than March 1 of the following year. The officer must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. [F.S. §112.3148]

- c. In addition, a public officer who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event. Honorarium related expenses from someone who does not employ a lobbyist do not have to be reported.
- d. The disclosure must be filed by July 1, for expenses received during the previous calendar year. It must be filed along with the officer's FORM 6.

**3. Donor's Quarterly Gift Disclosure - Form 30
[F.S. §112.3148(5)(b)]**

Certain entities are prohibited from giving a gift worth over \$100 to public officers. If such person or entity makes a gift worth between \$25 and \$100 to a public officer (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

4. Availability of Forms

- a. These forms will be sent by mail from the Department of State by June 1 of each year. Newly elected officers should contact the Department of State for copies of the forms.
- b. Any person needing one or more of the other forms (FORMS 2, 3A, 4A, 8A, 8B, 9, 30, and 50) may obtain them upon request from a Supervisor of Elections or from the Department of State, Division of Elections, Room 1802, The Capitol, Tallahassee, Florida 32399.

III. Honoraria

A. Definition of "Honorarium" [F.S. §112.3149]

- 1. "Honorarium" means a payment of money or anything of value, directly or indirectly, as consideration for a speech or other oral presentation or for any writing other than a book which has been published or is intended to be published.
- 2. "Honorarium" does not include any ordinary payment or salary related to one's public duties; a campaign contribution reported under Chapter 106, or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to an honorarium event.

B. Solicitation Prohibited [F.S. §112.3149(2)]

Public officers members are prohibited from soliciting an honorarium which is related to his public office or duties.

C. Acceptance Prohibitions [F.S. §112.3149(3)]

1. Public officers are prohibited from knowingly accepting an honorarium from a political committee or lobbyist who has lobbied his agency within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.
2. Public officers may accept the payment of actual and reasonable transportation, lodging, food and beverage expenses, and registration fees related to an honorarium event from such persons or entities, provided that the expenses are disclosed.

D. Honorarium Giving Prohibitions [F.S. §112.3149(4)]

1. Political committees are prohibited from giving an honorarium to public officers.
2. Lobbyists, as well as their partners, firms, employers, and principals, similarly are prohibited from giving an honorarium to public officers if the lobbyist lobbies the agency of the procurement officer or person who files disclosure.

E. Disclosure of Honorarium Related Expenses [F.S. §112.3149(5) AND (6)]

1. Public officers who receive payment of expenses related to an honorarium event from someone who is prohibited from giving him an honorarium must disclose annually on Commission on Ethics Form 10.
2. The donor paying the expenses must provide the public officer with a statement about the expenses within 60 days of the honorarium event.

IV. Conflicts of Interest

A. Doing Business with One's Agency [F.S. §112.313(3)]

1. A public officer, acting in an **official capacity**, is prohibited from purchasing, renting, or leasing any realty, goods or services for his or her agency from a business entity in which the officer or employee, his or her spouse, or child own more than a 5% interest.
2. A public officer, acting in a **private capacity**, also is prohibited from purchasing, renting, or leasing any realty, goods or services for his or her agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies.

B. Conflicting Employment or Contractual Relationship [F.S. §112.313(7)]

1. A public officer is prohibited from holding any employment or contract with any business entity or agency regulated, by or doing business with, his or her public agency.
2. A public officer is also prohibited from holding any employment, or having a contractual relationship which will pose a frequently recurring conflict between private interests and public duties, or which will impede the full and faithful discharge of public duties.
3. Limited exceptions to this prohibition have been created in the law for legislative bodies.
4. No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the division to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures.

C. Employees Holding Office [F.S. §112.313(10)]

A public employee is prohibited from being a member of the governing body which serves as his or her employer.

D. Restrictions on Appointing, Employing and Contracting with Relatives [F.S. §112.3135]

1. A public official is prohibited from seeking, for a relative, any appointment, employment, promotion or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control.
2. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. (The approval of budgets does not constitute "jurisdiction or control" for the purposes of this prohibition.)

E. Voting Conflicts of Interest - State law [F.S. §112.3143]

1. Prohibition [F.S. §112.3143]

No public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any PRINCIPAL by whom he or she is retained, of the parent organization or subsidiary of a corporate principal by which he or she is retained, of a relative, or of a business associate.

2. Disclosure
[F.S. §112.3143 and Jacksonville Ordinance Code §116.903]

The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission FORM 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. [F.S. §112.3143 and Jacksonville Ordinance Code 116.903]

3. Subsequent Disclosure [F.S. §112.3143]

If the conflict is unknown, or not disclosed, prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency with the disclosure being read publicly at the next scheduled meeting.

F. Disclosure of Conflicts of Interest - Municipal Ordinances

1. Disclosures required by F.S. §112.3143 shall be filed with the Commission on Ethics and the City Council. [Jacksonville Ordinance Code §116.903(c)(1)]
2. Additional Disclosure [Jacksonville Ordinance Code §116.903(b)]
 - a. An elected official who owns 10% or more of total assets or capitol stock or who is an officer of a business entity must disclose any privilege to operate or business dealings between the entity and the city.
 - b. The disclosure shall be on a form prescribed by the Commission on Ethics and filed with the Clerk of the Court and Council Secretary within 45 days of taking office.
3. Public Official bid and contract disclosure [Jacksonville Ordinance Code §126.112]
 - a. A public official who knows that he or she has a financial interest in a bid or contract with the City shall disclose said interest to the Purchasing Division or using agency within two days after the bid or contract is submitted.
 - b. Failure to disclose is unlawful and a class D offense.

V. Financial Disclosure under State Statute [F.S. §112.3145] (See Exhibit B)

Not all public officials and candidates file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

A. Full And Public Disclosure - Form 6 [F.S. §112.3145]

1. Who Must File

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the Mayor and members of the City Council of the City of Jacksonville.

2. What Must be Disclosed

- (1) FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth.
- (2) Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth.
- (3) In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

3. When and Where to File

Incumbent officials must file FORM 6 annually by July 1 with the Secretary of State. Candidates must file with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (h), Fla. Const., and F.S. §112.3144]

B. Quarterly Client Disclosure - Form 2 [F.S. §112.3145(4)] (See Exhibit A)

1. Who Must File

Local officers must file a FORM 2 if they, or a partner or associate of their professional firm, represent a client for compensation before an agency at their level of government.

2. What Must be Disclosed

- (1) A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government.
- (2) Such representations do not include appearances in ministerial matters or representations on behalf of one's agency in one's official capacity.
- (3) Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

3. When and Where to File

This disclosure should be filed quarterly, within 15 days after the last day of the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter. Local officers file with the Supervisor of Elections.

VI. Penalties

A. State Code of Ethics

There are no criminal penalties for violation of the State Code of Ethics. Penalties for violation of those laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received. [F.S.§112.317].

B. Forfeiture under State law

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses prior to their retirement. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838 Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [F.S.§112.3173]

C. Municipal Ordinance Violations

Municipal ordinance violations range from class A to class D offenses. The penalties range from a maximum fine of \$25-\$500 and/or a maximum imprisonment of 10-60 days. [Jacksonville Ordinance Code §632.101]

VII. Forms

- A.** Form 2 - Quarterly Client Disclosure - Attached
- B.** Form 6 - Full and Public Disclosure of Financial Interests - Attached
- C.** Form 9 - Quarterly Gift Disclosure - Attached
- D.** Form 10 - Annual Disclosure of Gifts from Governmental Entities, Etc. - Attached
- E.** Gift Disclosure Summary and Flow Charts – Attached

FLORIDA CODE OF ETHICS

An important part of the formal standards of conduct for municipal officials in Florida is the “Code of Ethics for Public Officers and Employees”, which was enacted in 1967 as ch. 67-469, Laws, and, as subsequently amended, codified as Chapter 112, Part III, and, as subsequently amended, codified as Chapter 112, Part III, *Florida Statutes*. *This code applies to elected municipal officers, municipal employees, and persons appointed to municipal positions, including members of advisory bodies (s. 112.313, F.S.)*. Some specific standards also apply to candidates for elective positions.

A. PREAMBLE

The Code of Ethics contains noble language in its opening section (s.112.311, *F.S.*):

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(5) It is hereby declared to be the policy of the state that no officer or employee . . . shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees. . . in performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics . . . regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

B. STANDARDS

Certain standards of conduct are enumerated in Chapter 112, *Florida Statutes*; some of these are summarized below.

1. Prohibition of Solicitation or Acceptance of Gifts

“No public officer, employee . . . , or candidate . . . shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.” (s. 112.313(2), *F.S.*)

2. Prohibition of Doing Business With One’s Agency

An officer or employee, when acting in official capacity, shall not, either directly or indirectly, purchase, rent, or lease any realty, goods, or services from any business entity of which the officer or employee, spouse, or child is officer, partner, director, or proprietor or in which he or she, spouse, or child has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the municipality or any agency thereof. (s. 112.313(3), *F.S.*)

3. Prohibition of Accepting Compensation Given to Influence A Vote

No public officer, employee of an agency, or local government attorney or spouse or minor child shall accept any compensation, payment, or thing of value when the person knows or, with reasonable care, should know that it was given to influence a vote or other actions. (s.112.313(4), *F.S.*)

4. Prohibition of Misuse of Public Position

A public officer, employee of an agency, or local government attorney shall not corruptly use or attempt to use one’s official position or any property or resource which may be within one’s trust, or perform official duties, to secure a special privilege, benefit, or exemption (s.112.313(6), *F.S.*)

5. Prohibition of Conflicting Employment or Contractual Relationships

No public officer or employee shall hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of the agency of which one is an officer or employee or which does business with said agency; nor shall an officer or employee have any employment or contractual relationship that will create a continuing or frequently recurring conflict between one’s private interests and the performance of public duties or that would impede the full and faithful discharge of public duties. (s. 112.313(7), *F.S.*) For exceptions to this standard, see ss.112.313(7), (12), and (14), *F.S.*

6. Prohibition of Misuse of Privileged Information

No public officer, employee of an agency, or local government attorney shall disclose or use information not available to members of the general public and gained by reason of one's official position for one's own personal gain or benefit or for the personal gain or benefit of any other person or business entity. (s. 112.313(8), *F.S.*)

7. Post Employment Restrictions

A person who has been elected to any municipal office may not personally represent another person or entity for compensation before the governing body of which he was an officer for a period of two years after he vacates that office (s. 112.313(14), *F.S.*). The governing body of any municipality may adopt an ordinance providing that an appointed municipal officer or employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of two years following vacation of office or termination of employment, except for the purpose of collective bargaining (s.112.313(13), *F.S.*)

8. Prohibition of Employees Holding Office

No person may be, at one time, both a municipal employee and a member of the city council (s. 112.313(10), *F.S.*)

9. Prohibition of Nepotism

Nepotism is the practice of showing favoritism to relatives, especially in the awarding of jobs. A municipal officer or employee vested with the power to appoint, employ, promote, or advance individuals or to make recommendations concerning such, shall not appoint, employ, promote, or advance, or advocate for such benefit, to a position over which he or she exercises jurisdiction, any relative. "Relative" includes parents; uncles, aunts, and first cousins; siblings, their spouses, and their children; spouses and their parents; children and their spouses; step-parents, step-siblings, and step-children; and half-siblings.

An individual may not be appointed, employed, promoted, or advanced if such action has been advocated by a public official, who is a relative, serving in or exercising control over an agency. (s. 112.3135, *F.S.*)

10. Requirements to Abstain from Voting

A municipal officer shall not vote in official capacity upon any measure which would affect his or her special private gain or loss, or which he or she knows would affect the special gain of any principal by whom the officer is retained. When abstaining, the officer shall

state, prior to the vote being taken, the nature of his or her interest in the matter. Within 15 days, the officer shall disclose the nature of his or her interest as a public record in a memorandum. If a municipal officer should violate these rules by casting a vote on a matter in which he or she should have abstained, he or she shall, within 15 days, disclose the nature of the interest as a public record in a memorandum. (s. 112.3143, F.S.)

Notice should be made here of a related prohibition of voting. If a person is both a city council member and an "officer, director, or employee of a financial institution which is interest in purchasing or serving as trustee or cotrustee for a proposed or outstanding bond issue," the person shall not vote on "any matter related to such bond issue" after the bank's interest in the bond issue becomes known to him or her. (s.159.414,F.S.)

11. Requirement of Disclosure of Personal Interests

An appointed municipal officer shall not "participate" in any matter which would affect the officer's special private gain or loss, the special gain or loss of any principal, parent organization or subsidiary by whom the officer is retained, or the special gain or loss of a relative or business associate, without first disclosing the nature of the interest in the matter. "Participate" means "any attempt to influence the decision by oral or written communication whether made by the officer or at his or her direction." The disclosure should be made in a written memorandum prior to the meeting at which the matter is discussed, in which case the memorandum shall be read publicly at the meeting prior to the consideration of the matter. If this is not done, the disclosure is to be orally at the meeting, with a written memorandum to be filed within 15 days. (s.112.3134(4), F.S.)

12. Requirement of Disclosure of Financial Interests

The following persons must file a statement of financial interests no later than July 1 of each year: persons occupying an elective municipal office; appointed members of city boards, commissions, and authorities, other than those which are only advisory in function, but including bodies which exercise "planning, zoning, or natural resources responsibilities," whether advisory or not; and designated city employees. In addition, candidates for elective office must file a statement of financial interests at the time of filing qualifying papers, and any appointed officer must file a statement of financial interests within 30 days from the date of employment. (s.112.3144 and 112.3145, F.S.)

The statement of financial interests must be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement shall include identification of the reporting person's (a) sources of income (personal and business), and (b) properties owned. Campaign contributions otherwise reported need not be included in this statement. Also to be included are certain liabilities, namely, "every liability which in sum equals more than the reporting person's net worth." By June 1 of each year, the County Supervisor of Elections is required to send a copy of

a prescribed form for this disclosure to each person required to file a statement of financial interests. Statements should be filed by July 31 of each year. (s. 112.3145(6), *F.S.*)

13. Requirement of Disclosure of Clients Represented

Each local officer shall file a quarterly report with the County Supervisor of Elections giving the name of clients represented by the officer or any partner or professional associate for a fee or commission, except for ministerial matters, before local-government agencies. Certain exclusions from this requirement are included in state law. The Supervisor of Elections is required to send a copy of a prescribed form for this disclosure to each person required to file it. Statements should be filed no later than 15 days after the last day of the quarter. (s. 112.3145(4), *F.S.*)

14. Disclosure of Contributions

An elected municipal official must file an annual statement listing all contributions received, other than campaign contributions, and the disposition made of such contributions. The names and addresses of contributors and of receivers of funds must be given, and the dates of transactions. A "contribution" is a "gift, donation, or payment of money" with value of more than \$100. This statement is to be filed with the official's annual financial disclosure statement, which is required by s. 112.3145, *F.S.* The latter section contains a separate but similar list-of-contributions requirement; contributions reported under s. 112.3148, *F.S.* need not be reported again under 112.3145, *F.S.* (s. 112.3145(8), *F.S.*). Campaign contributions and expenditures are governed by a different statute (ch. 106, *F.S.*) and are discussed in a following chapter of this manual (s. 112.3148, *F.S.*).

15. Solicitation and Disclosure of Honoraria

Honorarium is payment of money or anything of value, directly or indirectly, to a municipal officer or to any other person on his or her behalf as consideration for a speech, address, oration, or other oral presentation by the reporting individual regardless of how presented, or a writing by the reporting individual, other than a book which is intended to be published. (s. 112.3149, *F.S.*) Honorarium does not include payment for services related to employment held outside the municipal officer's public position or the payment or provision of actual and reasonable transportation, lodging, food and beverage expenses related to the honorarium event for a municipal officer and spouse (s. 112.3149(1), *F.S.*).

A municipal officer may not solicit honorarium which is related to his or her public office or duties, nor may the officer accept honorarium from a political committee, a lobbyist of his or her agency or an employer, principal, partner, or firm of such a lobbyist.

A municipal officer who receives payment or provisions of **expenses** related to any honorarium event from a person prohibited from paying honorarium shall publicly disclose

on an annual statement the name, address, and affiliation of the person paying or providing the expenses, the amount, the date of the event and a description of the expenses paid or provided to the individual in connection with the event. This annual statement shall be filed with the financial disclosure statement required by s. 112.3145, *F.S.*; the form for this statement is available through the Supervisor of Elections.

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