

DISCLOSURES REQUIRED BY GIFTS LAW

Note for State-level Reporting Individuals:

Section 112.3215, Florida Statutes, prohibits officers and employees of the State Executive Branch who are required by law to file full or limited public disclosure of financial interests (Form 1 or Form 6), from accepting *any* expenditure, which includes gifts and may include honoraria or honorarium event related expenses from a lobbyist or a lobbyist's principal, *even if it would be permitted by other law*. Legislative members and employees should refer to Section 11.045, Florida Statutes, which contains a similar restriction.

Disclosure does not negate a violation of the law. Reporting individuals should not accept anything of value without first evaluating the person or entity providing it under these statutes or contacting their agency's ethics officer. For an opinion, contact the Commission on Ethics.

Disclosure Dates for Gift Recipients

Gifts which are not prohibited and which have a value in excess of \$100 are reportable quarterly, with limited exceptions. The exceptions are for gifts from relatives; gifts associated primarily with private employment, business, or service as an officer or director of a corporation or organization; gifts from certain governmental entities; gifts from certain organizations whose membership is primarily composed of public officials or staff; contributions or expenditures by a political party; honorarium-related expenses; or the use of a public facility or public property made available by a governmental agency for a public purpose. The quarterly reports (Form 9-Quarterly Gift Disclosure), which must be under oath, are required to be filed only if a reportable gift was received. They are filed with the Commission on Ethics no later than the end of the quarter following the quarter in which one received the gift. [Section 112.3148(8)(a), Florida Statutes]

Gifts worth more than \$100 received from certain governmental entities which lobby the agencies of reporting individuals or State procurement employees as well as gifts from direct support organizations are reportable annually by July 1 for the preceding year. A public purpose must be shown for gifts from governmental entities. Gifts from direct support organizations may be given only to officers or employees of the governmental entity the direct support organization is authorized to support. This disclosure (Form 10-Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium-Event Related Expenses) is to be filed with the annual financial disclosure statement. The Form 10 need not be filed unless a reportable gift was received. [Section 112.3148(6)(d), Florida Statutes]

Honorarium expense reports, for the reporting of such expenses received during the preceding calendar year, also are filed on Form 10 as part of the annual financial disclosure statement. They do not need to be filed unless honorarium-event related expenses were received. [Section 112.3149(6), Florida Statutes]

Disclosure Dates for Donors

Lobbyists*, political action committees, and vendors must report gifts valued between \$25 and \$100 given to reporting individuals and State procurement employees no later than the last day of each calendar quarter following the quarter in which the gift was given. These reports (Form 30 - Donor's Quarterly Gift Disclosure) are filed with the Commission on Ethics. [Section 112.3148(5)(b), Florida Statutes]

Lobbyists*, PAC's, and vendors must notify the intended recipient at the time a reportable gift is made that the gift will be disclosed as required above. [Section 112.3148(5)(b), Florida Statutes]

Governmental entities and direct support organizations must provide gift recipients a statement describing each gift having a value in excess of \$100 and the date on which it was given, as well as the value of the total gifts given to the reporting individual or procurement employee, by March 1 of each year for the preceding calendar year. [Section 112.3148(6)(c), Florida Statutes]

Lobbyists*, PAC's, and vendors who pay an official his or her expenses related to an honorarium event must provide to the reporting individual a report of the expenses within 60 days after the honorarium event. The statement shall contain 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. [Section 112.3149(5), Florida Statutes]

*"**Lobbyist**" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee 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 procurement employee or his or her agency. [Section 112.3148 (2)(b)1., Florida Statutes]