

NOTE: §112.3215, Fla. Stat., prohibits officials, members, or employees of the State Executive Branch required by law to file full or limited public disclosure of financial interests from accepting *any* expenditure from a lobbyist or a lobbyist's principal. Legislative members and employees should refer to §11.045, Fla. Stat., which contains a similar restriction.

HONORARIA LAW

The following is an overview of the provisions relating to the honoraria statute contained in §112.3149, Florida Statutes, prepared by staff of the Commission on Ethics. The provisions have been simplified and paraphrased. It therefore is suggested that the actual text of the law be reviewed.

DEFINITION OF "HONORARIUM"

"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. "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, including any event or meeting registration fee.

HONORARIUM SOLICITATION PROHIBITED

A person required to file financial disclosure (Form 1 or Form 6) or a procurement employee for the State is prohibited from soliciting an honorarium which is related to his public office or duties.

HONORARIUM ACCEPTANCE PROHIBITIONS

A person required to file financial disclosure (Form 1 or Form 6) or a procurement employee for the State is prohibited from knowingly accepting an honorarium 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.

Reporting individuals and State procurement employees 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.

HONORARIUM GIVING PROHIBITIONS

Political committees and committees of continuous existence are prohibited from giving an honorarium to any person required to file Form 1 or Form 6 financial disclosure and to any State procurement employee. Lobbyists*, as well as their partners, firms, employers, and principals, similarly are prohibited from giving an honorarium to a person required to file Form 1 or Form 6 financial disclosure and to a State procurement employee, if the lobbyist lobbies the agency of the procurement officer or person who files disclosure.

DISCLOSURE OF HONORARIUM RELATED EXPENSES

A person required to file Form 1 or Form 6 financial disclosure, or a State procurement employee, who receives 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 (Annual Disclosure of Gifts from Governmental Entities and Honorarium Event Related Expenses) the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, and the total value of the expenses. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event. This statement should be attached to the Form 10.

The disclosure of expenses received during the previous calendar year must be filed by July 1 along with the officer's or employee's Form 1 or Form 6. State procurement employees file their statements with the Commission on Ethics.

***"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. [§112.3149 (1)(d)1., Fla. Stat.]