

Reporting hunting privileges as contribution

Number: AGO 75-151

Date: November 09, 1998

Subject:
Reporting hunting privileges as contribution

PUBLIC OFFICERS--REPORT OF HUNTING PRIVILEGES AND RIGHT TO BUILD AND USE HUNTING CAMP AS "CONTRIBUTION"

To: Frank Wanicka, Lee County Sheriff, Fort Myers

Prepared by: Michael M. Parrish, Assistant Attorney General

QUESTION:

Must the reasonable value of hunting privileges and the right to build and use a hunting camp on the land of another which are provided free to an elected public officer be reported by such officer under s. 111.011, F. S., as a contribution?

SUMMARY:

The reasonable value of hunting privileges and the right to build and use a hunting camp on the land of another which are provided gratuitously to an elected public officer should be reported as a contribution under s. 111.011, F. S.

The "contributions" which are required to be reported by s. 111.011, F. S., are defined in paragraph (1)(c) of the statute to include

". . . any gift, donation, or payment of money the value of which is in excess of twenty-five dollars to any elected public officer or to any other person on his behalf."

And I have previously concluded in AGO 074-167 and reiterated in AGO 075-82:

"In view of the apparent purpose of the statute -- to compel disclosure of all gifts and donations which might tend to influence an elected public officer -- I have no doubt that it includes all gifts and donations of a value in excess of twenty-five dollars, *irrespective of their form*. . . ." (Emphasis supplied.)

Accordingly, I am of the view that where hunting privileges and the right to build and use a hunting camp on the land of another are provided gratuitously to an elected public officer, the value of such privileges and use of land should be reported as a contribution under s. 111.011, F. S., when the value of such contribution exceeds \$25.

This opinion should not be construed as a ruling on the question of the *propriety* of accepting

such a gift in light of the provisions of s. 112.313(1), F. S., as amended by Ch. 74-177, Laws of Florida, prohibiting the acceptance of a gift "that would cause a reasonably prudent person to be influenced in the discharge of official duties," which is a question you may wish to pose to the Commission on Ethics.