

CANON 6A | COMPENSATION FOR QUASI-JUDICIAL AND EXTRAJUDICIAL SERVICES, AND REIMBURSEMENT OR PAYMENT OF EXPENSES, AND WAIVER OF FEES OR CHARGES

A judge may accept compensation, reimbursement, or direct payment of expenses, and a waiver or partial waiver of fees or charges for registration, tuition, and similar items associated with the judge's participation in quasi-judicial and extrajudicial activities permitted by this Code, if the source of such payments, or waiver does not give the appearance of influencing the judge in the performance of judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

(1) Compensation. Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity. Compensation is reportable as income under Canon 6B(1).

(2) Honoraria and Speaking Fees. A judge may accept honoraria and speaking fees that are reasonable and commensurate with the task performed. Honoraria and speaking fees are reportable as income under Canon 6B(1).

(3) Reimbursement or Payment of Expenses, and Waiver of Fees or Charges. Expense reimbursement shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, to the judge's spouse. Any payment in excess of such an amount is compensation and is reportable as income under Canon 6B(1). Reimbursement or direct payment of expenses, and waiver or partial waiver of fees or charges for the judge or the judge's spouse or guest, from sources other than the state or a judicial branch entity as defined in Florida Rule of Judicial Administration 2.420(b)(2), the amount of which alone or in the aggregate with other reimbursements, payments, or waivers received from the same source in the same calendar year exceeds \$100, shall be reported under Canon 6B(2).

([Amended Jan. 10, 2002 (816 So. 2d 1084); May 18, 2017, effective Jan. 1, 2017 218 So. 3d 432); May 10, 2018 (2018 WL 2146549).])

Commentary

Canon 6A. See Section 5D(5)(a)–(h) regarding reporting of gifts, bequests and loans.



The Code does not prohibit a judge from accepting honoraria or speaking fees provided that the compensation is reasonable and commensurate with the task performed. A judge should ensure, however, that no conflicts are created by the arrangement. Judges must not appear to trade on the judicial position for personal advantage. Nor should a judge spend significant time away from court duties to meet speaking or writing commitments for compensation. In addition, the source of the payment must not raise any question of undue influence or the judge's ability or willingness to be impartial.

Canon 6A(3) requires a judge to report expense reimbursements or payments, and fee waivers from sources other than the state or a judicial branch entity, when the amount received alone or combined with other reimbursements, payments, or waivers received from the same source in the same calendar year exceeds \$100. Cf. Model Code of Jud. Conduct rs. 3.14(A), 3.15(A)(3) (Am. Bar Ass'n 2011) (requiring the reporting of expense reimbursements and fee waivers from "sources other than the judge's employing entity," when the individual or combined amount received from the same source in a calendar year exceeds a specified amount). The Canon 6A(3) reporting requirement is similar to the reporting requirement for expense reimbursements and waivers in Rule 3.15(A)(3) of the American Bar Association Model Code of Judicial Conduct (2011), in that reimbursements, payments, and waivers must be reported if the amount of reimbursement, payment, or waiver, alone or in the aggregate with other reimbursements, payments, or waivers received from the same source in the same calendar year, exceeds the specified amount of \$100. However, unlike the model rule, the amount of a reportable reimbursement, payment, or waiver does not have to be reported on Form 6A. Unlike gifts, the amount of which must be reported on that form, only the dates, location, and purpose of the event or activity for which expenses, fees, or charges were reimbursed, paid, or waived must be reported.

[Commentary amended Jan. 10, 2002 (816 So. 2d 1084); May 18, 2017, effective Jan. 1, 2017 (218 So. 3d 432); May 10, 2018 (2018 WL 2146549).]

