

***EXECUTIVE OFFICE OF THE GOVERNOR
CODE OF ETHICS***

EFFECTIVE AS OF JANUARY 4, 2011

Policy Statement

On January 4, 2011, Governor Scott issued Executive Order 11-03, directing the immediate adoption and implementation of a revised Code of Ethics by the Office of the Governor. This revised Code of Ethics imposes clear, enforceable standards that incorporate and exceed the current requirements of the statutory code of ethics set forth in Chapter 112, Part III, Florida Statutes. This Code of Ethics also applies to the secretaries, deputy secretaries, and chiefs of staff of all executive agencies under the purview of the Governor. Each agency secretary is directed to review and evaluate this revised Code of Ethics in light of the current policies adopted by his or her agency, with a view towards using this Code as the base standard for his or her agency to the extent practicable, and adjusted for those unique program requirements and variables for his or her agency.

Employees of the Office of the Governor and of the entire executive branch are agents of the people and hold their positions for the benefit of the public. We are therefore bound to uphold the Constitution of the United States and the State Constitution, and to perform efficiently and faithfully our duties under the laws of the federal, state and local governments. We are bound to observe, in all of our official acts, the highest standards of ethics consistent with this Code, and with the statutory Code of Ethics set forth in Chapter 112, Part III, Florida Statutes. We must at all times recognize that promoting the public interest and maintaining the respect of the people in their government must be our foremost concerns. While Florida has been recognized as a leader among the states in establishing ethics standards and public records laws, and in recognizing the right of Florida's citizens to protect the public trust against abuse, we can still do better.

Pledge on Behalf of the People of Florida

1. I have been provided with a copy of Governor Scott's Code of Ethics.
2. I understand that, by holding a position within state government, I have taken on the mantle of public service.
3. I am committed to maintaining an honest, ethical, and open system of government for the people of Florida.
4. I therefore pledge to honestly and faithfully comply with both the letter and spirit of this Code of Ethics, as well as the requirements set forth in Chapter 112, Part III, Florida Statutes, in the discharge of my duties and responsibilities as a public servant. As part of this commitment, I pledge to be on guard against and to avoid the appearance of impropriety in conducting the people's business.
5. I further pledge that, should questions regarding appropriate behavior arise, I will seek guidance from the appropriate person within my agency or the Executive Office of the Governor on how to resolve the matter in question.

Name:

Date:

I. General Provisions

The term “employees” as used herein refers only to all employees in the Office of the Governor and to all secretaries, deputy secretaries and chiefs of staff of the executive agencies under the purview of the Governor.

As used in this Code, a “lobbyist” is any person who meets the definition of that term as used in Chapter 112, Part III, Florida Statutes. Consistent with Section 112.3215, Florida Statutes, “lobbyist” does not include an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties. Consistent with Chapter 112, Part III, Florida Statutes, a “principal” is anyone (other than an agency, legislative branch entity or judicial branch entity) who employs or retains a lobbyist, either as an employee or independent contractor. The Florida Legislature maintains a website of all registered principals and executive branch lobbyists and should be consulted by the employee (<http://www.leg.state.fl.us>).

Unless otherwise noted, as used in this Code, “relative” follows the same definition found in Chapter 112, Part III, Florida Statutes: an individual who is related to an employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the employee or who otherwise hold himself or herself out as or is generally known as the person whom the employee intends to marry or with whom the employee intends to form a household, or any other natural person having the same legal residence as the employee.

All employees will comply with the requirements of this revised Code of Ethics; Chapter 112, Part III, Florida Statutes (statutory Code of Ethics); Article I, Section 24 of the Florida Constitution (Open Meetings); and Chapter 119, Florida Statutes (Public Records).

Each secretary of an executive agency under the purview of the Governor will review this Code of Ethics and evaluate his/her agency’s existing code of ethics, with a view towards using this Code as the base standard for his or her agency to the extent practicable, adjusted for those unique program requirements and variables of his or her agency.

Governor Scott has directed that this Code of Ethics be periodically reviewed and evaluated, and that further recommendations be developed as necessary or appropriate to assure that we maintain and effectively enforce the highest ethical standards for state officials and employees, and promote consistency of State agency policies on ethics, public records and open meeting issues.

II. Designation of an Ethics Officer

Pursuant to Executive Order 11-03, Governor Scott has directed that his General Counsel serve as chief ethics officer for the Office of the Governor and that the secretary of each executive state agency under his purview designate a chief ethics officer for his/her respective agency. Among other things, the chief ethics officers will make reasonable efforts to ensure that the employees responsible for adhering to this Code (or their respective agency's code) become familiar with relevant ethics, public records and open meeting requirements.

The Governor has also directed that each agency secretary attend training on the subjects of ethics, public records, open meetings, records retention, equal opportunity and proper personnel procedures, and that thereafter each agency secretary arrange for similar training of his or her employees on an annual basis.

III. Avoiding the Appearance of Impropriety

Employees of the Office of the Governor and secretaries, deputy secretaries, and chiefs of staff of the executive agencies within the purview of the Governor will use the powers and resources of the Governor's Office and/or their respective agency to further the public interest and not for any financial or personal benefit other than salaried compensation and employer-provided benefits.

Employees are expected to safeguard their ability to make objective, fair and impartial decisions, and therefore may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of theirs, or to reward a past decision. Employees should avoid any conduct (whether in the context of business, financial or social relationships) that might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

The Governor has accepted as his duty the responsibility of setting the highest ethical standards for State government. To that end, and to avoid even the appearance of impropriety, the Governor is placing his personal assets in a modified trust, with all investment decisions relating to these assets outside his management control during his term as Governor. The Governor encourages his agency secretaries to review their own respective personal assets/investments to assure that any potential for conflict and/or the appearance of impropriety is avoided.

IV. Current Statutory Code of Ethics

Florida's statutory Code of Ethics can be found in Chapter 112, Part III, Florida Statutes. This statutory Code of Ethics is the fallback standard of conduct for all employees. Thus, to the extent that a statutory provision is not enhanced by a more restrictive, express provision of this gubernatorial Code of Ethics, the statutory Code of Ethics shall apply.

As a result, all employees should familiarize themselves with the statutory Code of Ethics.

The statutory Code of Ethics covers a wide variety of subjects, including restrictions on doing business with one's agency, unauthorized compensation, the receipt and reporting of gifts, restrictions on post-employment activities, nepotism, financial disclosure requirements, and whistle-blower protections. All of these areas are important. The following discussion of the statutory Code is meant to be an overview and does not exempt or excuse any employee from reading and understanding the standards of conduct set forth in the statutory Code of Ethics.

Among other things, the statutory Code of Ethics contains two general prohibitions on the receipt of things of value. It is important to understand the statutory framework in order to understand how this gubernatorial Code of Ethics differs from and is more restrictive than it.

The first statutory restriction, found in Section 112.3148, Florida Statutes, relates to the receipt and reporting of gifts from non-relatives. Under this section, an individual who is either a:

- (1) "Reporting Individual" (*i.e.*, required to file a full or limited financial disclosure pursuant to Section 8, Article II of the Florida Constitution or Section 112.3145, Florida Statutes) or
- (2) "Procurement Employee" (*i.e.*, participates in procuring gifts or services in excess of \$1,000 per year)

Is prohibited from directly or indirectly receiving a gift the individual knows or reasonably believes has a value exceeding \$100 if the gift comes from certain entities and individuals, including lobbyists, identified in section 112.3148(4).

Note: "Reporting Individuals" and "Procurement Employees" are sometimes collectively referred to by the acronym "RIPEs."

RIPEs are not prohibited from accepting gifts in excess of \$100 if they do not come from the entities and individuals identified in that statutory subsection. However, any such gifts must be reported on a quarterly basis to the Commission on Ethics pursuant to section 112.3148(8). While there are a few exceptions to this statutory regime, the most significant of them is that gifts from relatives are excluded from the \$100 cap and the reporting requirement.

The second broad prohibition is found in Section 112.3215, Florida Statutes. This section provides that, notwithstanding any other provision of the law including the gift law discussed immediately above, no reporting individual shall accept, directly or indirectly, any expenditure from a lobbyist or a lobbyist's principal. The statute defines "expenditure" as any thing of value made "for the purpose of lobbying." There is no dollar-value threshold or exception for expenditures from family members who also are

lobbyists or their principals. Thus, for reporting individuals this prohibition on expenditures from lobbyists is in many cases broader than and supersedes the gift restrictions found in Section 112.3145.

As discussed in Section V below, for purposes of the gift/lobbyist expenditure restrictions, this Code of Ethics does away with the statutory distinction between employees who qualify as reporting individuals/procurement employees and those who do not. Thus, the gift restrictions in this Code apply to all employees. Additionally, this Code does away with the arguably subjective standard in the statutory definition of "expenditure," (*i.e.*, a payment made "for the purpose of lobbying") and prohibits the acceptance of any thing of value from a lobbyist.

Nonetheless, it is important for employees to understand the general definition of "Reporting Individual" and "Procurement Employee," as other sections of this Code and/or the statutory Code of Ethics may apply only to them.

Returning to the statutory Code of Ethics, including the gift/lobbyist restrictions discussed above, relevant provisions of Chapter 112, Part III, Florida Statutes, include the following:

- Reporting Individuals are prohibited from accepting any payment, distribution, loan advance, reimbursement, deposit or anything of value made by a lobbyist or a principal of a lobbyist made for the purpose of influencing or attempting to influence official action or in an attempt to obtain the goodwill of the employee. This prohibition applies regardless of any exceptions to the prohibition on the receipt of gifts that may be contained in any other provision of this Code or in law.
- Employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their official action or judgment would be influenced by such gift. "Gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and for which no payment is made. A "gift" can include real property or the use thereof; tangible or intangible personal property or the use thereof; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.
- A "gift" or "expenditure" does not include (1) salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment; (2) contributions or expenditures reported pursuant to Chapter 106, Florida Statutes, campaign-related personal services provided without compensation by individuals volunteering their time or any other contribution or expenditure by a political party; (3) an honorarium or an expense related to an honorarium event paid to a person or

the person's spouse by someone other than a lobbyist or principal of a lobbyist to a Reporting Individual; (4) an award, plaque, certificate or similar personalized item given in recognition of the donee's public, civic, charitable or professional service, provided that such item has no separate commercial value; (5) an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; (6) the use of a public facility or public property, made available by a governmental agency, for a public purpose; (7) transportation provided to a public officer or employee by an agency in relation to officially approved governmental business; (8) anything of value provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or officials or staff of a governmental agency that is a member of that organization.

- RIPLEs are prohibited from soliciting any gift, regardless of its value, if the gift is for personal benefit of themselves, other RIPLEs, or their respective families.
- Employees and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence their official action.
- Employees are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.
- Employees are prohibited from disclosing or using information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.
- RIPLEs are prohibited from soliciting an honorarium that is related to their public office or duties.
- Employees acting as purchasing agents or employees acting in their official capacity are prohibited from purchasing, renting, or leasing any realty, goods, or services for the Office from a business entity in which they, their spouse, or child own more than a 5% interest or serve as an officer or director. Also, employees acting in a private capacity are prohibited from renting, leasing, or selling any realty, goods, or services to the State.
- Employees are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with the Office. Employees are also prohibited from holding any employment or having a contractual relationship which will pose a conflict between their private interests and public duties or which will impede the full and faithful discharge of their public duties.
- An employee who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or

who renders advice, investigation, or auditing, regarding the Office's contract for services, is prohibited from being employed by a person holding such a contract with the Office.

- Employees are prohibited from seeking for a relative any appointment, employment, promotion or advancement in the unit in which he/she is serving or over which he/she exercises jurisdiction or control.
- Employees are prohibited from directly or indirectly procuring contractual services for the Office from a business entity of which a relative is an officer, partner, director, or proprietor, or in which they, their spouse, or children own more than a 5% interest.
- Senior Management Service and Selected Exempt Service employees are prohibited from personally representing another person or entity for compensation before the Office for a period of two years after leaving their positions, unless employed by another agency of state government.
- A former employee, following retirement or termination of employment, is prohibited from having employment or a contractual relationship with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee.
- A former employee who retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his responsibility while serving as a state employee.

For further discussion of these provisions refer to Chapter 112, Part III, Florida Statutes.

V. Specific Gift Requirements of This Code of Ethics Above and Beyond The Requirements of Chapter 112, Part III, Florida Statutes

The current law may give rise to questions regarding what employees may accept from entities and individuals outside of government. As noted above, current law (1) prohibits Reporting Individuals from accepting any expenditures from lobbyists; (2) restricts Reporting Individuals and Procurement Employees from accepting from lobbyists things of value that do not otherwise qualify as an expenditure; and (3) requires quarterly reporting of gifts from non-relatives that exceed \$100 in value.

Governor Scott is committed to restrictions that are broader than the current statutory law, yet are also clear, consistent, and simple to follow. The general rule on gifts, applicable to the Office of the Governor, and to all secretaries, deputy secretaries, and chiefs of staff of executive agencies under the purview of the Governor, will be as follows:

- **NO EMPLOYEE, REGARDLESS OF WHETHER HE OR SHE IS A “REPORTING INDIVIDUAL” OR A “PROCUREMENT EMPLOYEE,” MAY SOLICIT ANY GIFT, REGARDLESS OF ITS VALUE, IF THE GIFT IS FOR THE PERSONAL BENEFIT OF HIMSELF OR HERSELF, HIS OR HER FAMILY, OR ANOTHER EMPLOYEE.**
- **NO EMPLOYEE, REGARDLESS OF WHETHER HE OR SHE IS A “REPORTING INDIVIDUAL” OR A “PROCUREMENT EMPLOYEE,” MAY ACCEPT ANY THING OF ANY VALUE FROM A LOBBYIST OR A LOBBYIST’S PRINCIPAL, REGARDLESS OF WHETHER THE THING IS BEING OFFERED OR GIVEN FOR THE PURPOSE OF LOBBYING.**
- **NO EMPLOYEE, REGARDLESS OF WHETHER HE OR SHE IS A “REPORTING INDIVIDUAL” OR A “PROCUREMENT EMPLOYEE” MAY ACCEPT ANY GIFT FROM A NON-LOBBYIST.**

There are some limited exceptions to the prohibition on the acceptance of gifts from non-lobbyists.

- Gifts (regardless of value) from relatives (items received from relatives are excluded from the statutory definition of “gift”) unless the relative is a lobbyist or the principal of a lobbyist, in which case the general prohibition on gifts from lobbyists applies. Employees who are married to or involved in a personal relationship with a lobbyist or the principal of a lobbyist should consult with the chief ethics officer on how to address this situation.
- Gifts (regardless of value) received from personal friends in the ordinary course of friendship (including but not limited to birthday and/or anniversary gifts and gifts of hospitality), can be accepted, provided that any such personal friend is not:
 - (a) a lobbyist;
 - (b) the partner, firm, member, employer, employee or principal of a lobbyist;
 - (c) a person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before a state agency and/or the Office of the Governor;
 - (d) a person who (either individually or through a corporation or organization) provides goods or services to the State under contract or agreement; or
 - (e) a person who (either individually or through a corporation or organization) is seeking such business from the State.
- On-site consumption of food and refreshment at receptions and/or other events, provided the employee’s attendance at such event is an appropriate exercise of the employee’s official duties, unless the food and refreshments at such event are paid for by a lobbyist or principal, in which case the Guidelines for Compliance with Section 112.32155 and this Code (below) apply.

- Gifts (regardless of value) accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the chief ethics officer has approved such acceptance. However, if a lobbyist or the principal of a lobbyist is making the gift, the absolute prohibition on receiving such a gift applies.
- Gifts (regardless of value) made to the State or agency thereof may be accepted by an employee on behalf of the State or agency, provided the chief ethics officer has approved such acceptance.
- Gifts (regardless of value) involving volunteer campaign-related travel, lodging, and/or food or beverage expenses, provided the chief ethics officer has approved such acceptance.

Additionally, and consistent with the Interim Lobbying Guidelines for the House and Senate, an employee may accept from a lobbyist or a lobbyist's principal an award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable or professional service, provided that such item has no separate commercial value and the chief ethics officer has approved such acceptance.

NOTE: There is no gift or expenditure if the employee reimburses the other person for the cost of the item. Generally, this is measured as the cost of the item to the person providing it. In the case of lobbyists or principals, the cost is the actual value of the item (such as face value on admission ticket, etc.), even if the lobbyist or principal obtained it at no cost. While a membership fee required to use a golf course, tennis club, dining club or other private facility is not part of the reimbursable cost, the per ticket additional cost above the face value for seating at a skybox or other exclusive seating area at a sporting or theatrical venue is part of the reimbursable cost and must be included. Section 112.3148(7), Florida Statutes, and Rules 34-13.210 and 34.13.500, Florida Administrative Code, provide rules on how to value gifts and should be consulted when making payment for an event or item that otherwise would be prohibited absent payment of consideration. For purposes of this Code, the payment must be contemporaneous with or precede the receipt of the item or attendance at the event.

A. Prerequisites to Accepting Any Gift

No gift (regardless of its value) can be accepted until and unless the employee answers each of these questions:

1. Is this gift being given by a lobbyist or the principal of a lobbyist? If the answer to this question is "yes," the gift (regardless of value) **CANNOT BE ACCEPTED**.
2. Does the gift meet one of the exceptions listed in the prior section? If the answer is "no," the gift **CANNOT BE ACCEPTED**. If the answer to this question is "yes," the gift CAN BE accepted, unless the employee knows, or with the exercise of reasonable care should know, that the gift is being given to influence his or her official action.

B. Honoraria and Honorarium Event Related Expenses; Award, Plaques and Related Forms of Recognition

Although honoraria and expenses related to an honorarium event, as those terms are used in Chapter 112, Florida Statutes, are not considered “gifts” under the statutory Code of Ethics, employees are prohibited from accepting honoraria or any other thing of monetary value (unless of nominal value) for speaking appearances or for articles written. Employees may, however, accept payment of expenses related to an honorarium event reasonably incurred subject to the prohibitions on the receipt of such honorarium expenses from lobbyists or principals contained in this Code and any other restrictions contained in Section 112.3149, Florida Statutes. Employees receiving payment for honorarium event related expenses must receive prior approval from the chief ethics officer.

Awards, plaques, certificates or similar personalized items given in recognition of the recipient’s public, civic, charitable or professional service are not considered “gifts” under this or the statutory Code of Ethics. However, in order to avoid the appearance of impropriety, prior to accepting any such item from a lobbyist or principal of a lobbyist, the employee will first receive prior approval from the chief ethics officer.

C. Indirect Gifts and Expenditures Prohibited

Any gift or expenditure that could not be received directly may not be received indirectly. Thus, a gift to or expenditure on behalf of an employee’s spouse or minor child is considered a gift or expenditure to the employee and may not be accepted if either this Code of Ethics or Chapter 112, Florida Statutes, would prohibit the employee from receiving the gift or expenditure. Thus, if a non-employee spouse received a trip, restaurant certificate or anything else of commercial value from a lobbyist or principal of a lobbyist, the gift or expenditure may not be accepted unless it meets the restrictions of the Code of Ethics or Florida statutory law.

D. Travel in Private Aircraft Prohibited Without Prior Authorization

Although not specifically prohibited by Chapter 112, Florida Statutes, employees are prohibited from traveling in a private aircraft unless they have obtained prior authorization from the Governor or Governor’s Chief of Staff.

E. Guidelines for Compliance with Section 112.32155 and this Code

Because this Code imposes an absolute prohibition on the receipt of expenditures from lobbyists and/or their principals, compliance in most situations should be straightforward. However, there are occasions (*e.g.*, group events with multiple sponsorships or invitations from friends who are also lobbyists or their principals) that may not be as clear-cut, and the following guidelines are intended to assist employees comply with both the letter and the spirit of this Code and Section 112.32155, Florida Statutes. Because not every possible situation can be anticipated in these guidelines, employees are to consult

with the chief ethics officer in the event of any doubt. Please remember that the requirements in this Code apply to all employees, regardless of whether they meet the statutory definitions of Reporting Individuals or Procurement Employees.

In general, employees may attend events sponsored by statutory direct-support organizations (“DSOs”). However, the employee is responsible for confirming that the individual DSO has observed the requirements of Section 112.32155 and this Code of Ethics with respect to event sponsorship.

Employees are not prohibited from attending a community event open to all persons or accepting any item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or officials or a rate which is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

Discounted pricing based on government employment may or may not be a prohibited expenditure. If the discounted price has been made possible as a result of sponsorship by a lobbyist or principal, the employee must first determine whether the discounted price is available equally to all government employees, or whether it is intended to benefit a particular class of employees. In the case of the former, no prohibited expenditure is involved. (Examples: reduced registration fees for government lawyers attending a legal seminar; reduced registration fees for government employees attending a chamber of commerce program). Otherwise, the employee may not accept discounted pricing.

The key question in each of these situations is whether the expenditure or the available discount is being made for the personal benefit of the employee, the employee’s parent, spouse, child or sibling. If it is, accepting the expenditure or discount is prohibited.

In determining whether an expenditure is a prohibited one, the following questions must be asked:

1. Is there *commercial value* involved?
The following items have commercial value and are examples of prohibited expenditures: food and beverages, tickets to entertainment events (golf tournament, sporting event, or theatre performance), transportation, lodging, and honorarium expenses.
2. Is the thing of commercial value primarily for the benefit of the agency’s employees and not generally available to members of the public (or a large class of persons) on the same terms and conditions?
3. Does a lobbyist or principal control who receives the benefit of the thing of value?
4. If a third person (such as a non-profit) is distributing the thing of value, is it acting under the direction of the lobbyist or principal?
5. Did an agency official or employee solicit the lobbyist or principal for the sponsorship of the event?

If the answer to *any* of the foregoing questions 1–5 is “yes”, then the employee may not attend the event or accept the thing of value without giving appropriate and contemporaneous consideration. If the answer to *all* of the foregoing questions 1–5 is “no,” then the employee may attend the event or accept the thing of value unless he or she knows or has reason to believe that the arrangement is a subterfuge for an otherwise prohibited expenditure.

AT ALL TIMES, EMPLOYEES HAVE A DUTY TO INQUIRE WHETHER THE THING OF VALUE IS FROM A LOBBYIST OR PRINCIPAL. IGNORANCE OF THE FACTS IS NO EXCUSE. As noted in Section I of this Code, the Florida Legislature maintains a website of all principals and executive branch lobbyists and should be consulted by the employee (<http://www.leg.state.fl.us>). If the circumstances do not permit access to the database, the employee should ask the offeror of the thing or event whether a principal or lobbyist is involved.

These guidelines do not mean that employees may not attend events or accept invitations that are otherwise prohibited. An employee may attend an event or accept a thing of value that is otherwise prohibited IF the employee pays or provides equivalent consideration. As noted above, Section 112.3148(7), Florida Statutes and Rules 34-13.210 and 34-13.500, Florida Administrative Code, dictate how to value gifts and should be consulted when making payment to for an event or item that otherwise would be prohibited absent payment of consideration. For purposes of this Code, the payment must be contemporaneous with or precede the receipt of the item or attendance at the event. In situations in which it is difficult to place a value (such as a dinner at someone’s home), equivalent consideration in the form of a house gift, appropriately priced bottle of wine or spirits, floral arrangement or plant, or other appropriately valued item may substitute for monetary consideration. Attendance at weddings, showers, birthdays and other special occasions where guests usually bring gifts and the feted person or others on his behalf provide food and entertainment also fall into this category. However, *until the Ethics Commission rules otherwise*, the prohibition on gifts and expenditures shall apply to employees as recipients of such special occasion gifts.

Even when it is permissible to attend such occasions, employees at all times should strive to avoid the appearance of impropriety and give due consideration to the impression caused by frequent private dinners in the homes of lobbyists or principals or attendance at special occasions hosted by them. In keeping with the Governor’s policy that all constituents have fair and equal opportunity to express their concerns and ideas regarding State programs and policies without regard to their political affiliation, sophistication, or affluence, employees at all times should refrain from discussing any State business during these social occasions.

F. Reporting / Disclosure Requirements

This Code permits the acceptance of gifts from non-lobbyists only in certain specified circumstances set forth above. For such gifts, the employee must report and disclose any permissible gift unless the gift is from a relative or

- (a) is given by a personal friend for a special occasion (e.g., holidays, birthdays, weddings, showers, anniversaries, graduation, Valentine's Day, etc.); or
- (b) is a meal (whether at a restaurant or at a home) with a friend or lodging at a friend's home.

Note: Any gift that falls into either (a) or (b) above must be reported and disclosed if it is valued at over \$100.

Reportable disclosure of gifts will include a description of the gift and its approximate value, the name and address of the donor (if possible), the date of the gift, and a copy of any receipt for the gift provided by the donor.

In addition, certain employees are required to make public disclosure of their financial interests. Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interest. This is why public officers and employees are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens monitor the considerations of those who spend their tax dollars and participate in public policy decisions.

Pursuant to Section 112.3145(b), Florida Statutes, all non-clerical/secretarial employees are required to file with the Commission on Ethics, Form 1, Statement of Financial Interests, and Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses forms within thirty (30) days of appointment and by July 1 of each year thereafter. Each person required to file Form 1 or Form 6 must file 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 reportable gift. Form 9 need not be filed if no such gift was received during the calendar quarter.

VI. Additional Requirements of this Code

A. Frequent-Flyer Miles Earned Through State-Reimbursed Travel

Employees may sometimes be required to travel on State business, requiring them to spend evenings and weekends away from their homes and families. Per diem reimbursements often do not fully reimburse the employee for out-of-pocket travel expenses. As a matter of general policy, any frequent-flyer miles and/or bonus miles

awarded to an employee as a result of State-reimbursed travel may be used for personal use by the employee.

B. Serving As Officers/Directors Of Governmental and Non-Governmental Entities

Employees may serve on the boards or commissions of governmental entities, subject to the approval of the Governor's general counsel.

Except as set forth below, no employee shall serve as an officer or director of any non-governmental corporation, company, partnership or other entity, regardless of its private or public ownership or its for-profit or not-for-profit status. The following are exceptions to this restriction:

(1) subject to approval from the Governor's general counsel, an employee may serve as an officer or director of a non-governmental, non-profit corporation, company, partnership or other entity that does not seek funding from the State;

(2) subject to approval from the Governor's general counsel, an employee may serve as an officer or director of a non-governmental, non-profit corporation, company, partnership or other entity that seeks funding from the State if (a) serving in that capacity is directly related to the employee's employment and (b) the employee has been requested to do so by the Office of the Governor (or, in the case of employees at the executive agencies, by his or her agency) or is required to serve in that capacity by statute, rule, executive order, or other applicable law; and

(3) subject to approval from the Governor's general counsel, an employee may serve as an officer or director of a non-governmental, for-profit corporation, company, partnership or other entity that does not seek or receive funding from or do business with the State and that is closely-held or family-owned or operated. For example, an employee who, along with other family members, is an officer or director of an entity that owns rental property could seek approval under this exception.

Voluntary, pro bono services on behalf of non-profit organizations may be permitted, so long as services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully and faithfully. The prohibitions relating to soliciting gifts do not restrict employees from soliciting charitable contributions from lobbyists or principals, so long as the employee or any relative does not control or work for the non-profit organization.

C. Dual Employment

No employee may have any on-going dual employment or dual compensation without prior approval from the chief ethics officer.

D. Lobbyists

The use of lobbyists will not be required or preferred as a way to obtain access to public employees.

E. Conflicts of Interest and Avoiding the Appearance of Impropriety

Employees whose immediate relatives (spouse, siblings, parents, children) are lobbyists will, at least quarterly, disclose to the chief ethics officer the names of all clients of such lobbyists. These employees will not participate in any matter that would inure to their relative's special gain or loss, and will recuse themselves from discussions/meetings/etc. involving clients of their immediate relatives. Any such matters will be reassigned to another employee of the Office of the Governor or respective agency. Where confidentiality requirements prohibit the public disclosure of any such names of clients, the Office of the Governor will take the measures necessary and appropriate to assure effective recusal by affected employees.

No employee shall participate in an official capacity in any matter that would inure to his or her special private gain or loss, or which the employee knows will inure to the special private gain or loss of any relative or business associate. To further avoid any appearance of impropriety, employees will be subject to an appropriate screening procedure. This procedure applies to meetings between and/or decisions directly involving an employee and his or her former employer or clients/business entities for which he or she has had substantial, direct responsibility during the two years prior to entering public service. To the extent an employee seeks to participate in any such meeting or decision, he or she will first notify the chief ethics officer who will prescribe an appropriate screen depending on the particular circumstances. In no event, however, will a procedure limit the employee's ability to fulfill the core functions of his or her job. Moreover, nothing in this Code is meant to prohibit an employee from addressing or making decisions relating to issues that may generally affect an industry or business sector with which the employee may have had a prior relationship.

F. Application for Exemptions

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from these requirements in certain individual cases. In those instances, prior approval of the chief ethics officer is required.

VII. Policy Administration

- Personnel Office
The Personnel Office is responsible for notifying employees appointed to designated positions of the requirement to file financial and gift disclosure.

- **Legal Affairs Office**
The Legal Affairs Office is responsible for providing clarification to employees on the specific ethics policies outlined herein.
- **Commission on Ethics**
Questions about the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, and Tallahassee, Florida 32317-5709; telephone (850) 488-7864.
- **Public Records/Sunshine Laws**
Questions about the public records and/or sunshine laws may be addressed to the Office of Open Government within the Office of the Governor.