



CITY OF ORLANDO

ETHICS MANUAL

OUR VISION

Orlando is a safe city with a strong local economy and livable neighborhoods that support and strengthen our diverse businesses, individuals and families.

We are known internationally and at home for citizen involvement and efficient, quality service.

OUR MISSION

Serving Orlando with innovation, responsiveness, knowledge, courtesy and professionalism.

OUR CORE VALUES

We Believe In:

*Courteous service to our customers
Creative and responsive leadership at all levels
Fairness, integrity and the highest ethical standards
Respect and compassion for one another
Strong partnerships that celebrate diversity
A passion for excellence*

Office of the Mayor

Orlando City Hall
400 South Orange Avenue
Orlando, Florida 32801

December 2002

CERTIFICATION OF UNDERSTANDING

I, _____, employee # _____

(name)

hereby certify

that I have read and understand the City of Orlando Ethics Manual _____, and I

(date)

agree to be bound by the applicable laws and policies.

(signature)

(printed name)

City Employees, Elected and Appointed Officials: Please return this form to Personnel Management.

December 2002

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I. CITY OF ORLANDO ETHICS POLICY

It is the policy of the City of Orlando to uphold, promote and demand ethical conduct from all of its employees and officials, whether elected or appointed. Accordingly, City employees, members of citizen boards and elected officials (referred to herein as "employees and officials") should maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties; and should avoid improprieties in their roles as public servants and use of their City position or powers for personal gain.

No officer or employee of the City shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest. The City requires strict adherence to the provisions of Chapter 112, Part III, Florida Statutes.

***Comment:** The proper operation of municipal government requires that all City employees and officials remain independent, impartial and responsible to the public. Democratic government can function properly only when the citizenry has confidence in its public stewards. Public trust is built largely upon the perceptions that citizens have regarding their public stewards. Once public confidence is destroyed, it is difficult, if not impossible, to re-establish. As a result, a public agency may not be able to function properly. You should remind yourself constantly of the civic trust that you hold by reason of your position. You should never compromise honesty or integrity for personal gain or advancement.*

II. APPLICABLE LAWS AND POLICIES

A. Conflicts of Interest

Pursuant to Florida Statutes, Part III, Chapter 112 and Section 800.5 of the Orlando City Policy & Procedure Manual (see Appendix B), this Ethics Manual prescribes appropriate standards of ethical conduct for all employees of the City. It is the intent of this manual that an employee avoid action, whether or not specifically prohibited, which might result in or create the appearance of:

- > using public office for private gain;
- > offering preferential treatment to any person;
- > impeding City efficiency or economy;
- > losing complete independence or impartiality;
- > making a City decision outside of official channels;
- > affecting adversely the confidence of the public in the integrity of the City.

***Comment:** City employees and officials must be constantly on guard against conflicts of interest. In short, you should not be involved in any activity which might be seen as conflicting with the responsibilities of your position with the City. The people of Orlando have a right to expect that you act with independence and fairness towards all groups and not favor a few individuals or yourself. Appendix A of this manual presents various examples of how the conflict of interest laws and policies operate.*

B. Contracts with the City

Florida law restricts any agency employee or official from doing business in their private capacity with their public agency. This includes participation through decision, approval, disapproval, recommendation, and preparation of any part of the purchasing request, investigation, auditing or other advisory capacity in the procurement of contractual services while an employee of a public agency. [See Section 112.313(3) Florida Statutes]. In addition, City Policy states that no City employee, commission member or official shall be directly or indirectly employed by any person, firm or corporation nor be interested in any firm or corporation having or proposing to have any contractual relationship with, or proposing to render for any considera-

tion, services to the City of Orlando, when the approval or decision of the employee or member shall be sought or required in connection with such contractor service. [See City Policy & Procedure, Section 800.5, (4)(H)].

Comment: *As with other conflicts of interest, any City employee or official in such a situation must (i) make known the substantial interest involved and (ii) refrain from voting upon or otherwise participating in the transaction. Also, you cannot provide certain goods and services to the City--even if you do not participate in the process--unless a competitive selection process is used. Other prohibitions may apply if federal funds are involved.*

C. Confidentiality of Information

No employee or official shall furnish to anyone any information, other than public information, that was obtained as a result of employment or position with the City in order to gain personal advantage for himself/herself or another. This shall not be construed to limit, hinder or prevent the divulgence or use of information in the performance of official duties; but shall prohibit the use of or providing information that would place the employee or official, or the recipient in a vantage position over the general public and thereby constitute a violation of public trust.

Comment: *City employees and officials often have access to important non-public information regarding the property, operation or policies of the City. Such information may concern real estate transactions, expansion of public facilities or other City projects. The divulging of this inside information may benefit a few at the expense of a possible monetary loss to the City and a deterioration of public confidence. If you are privy to confidential information, you may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate. [See Section 112.313(8)].*

D. Equal Employment Opportunity/Discrimination

The City of Orlando is committed to offering equal employment opportunity to all persons regardless of race, color, religion, sex, national origin, age, sexual orientation, marital status or disability. The City will take whatever steps that are necessary to ensure that all employment practices, including, but not limited to, compensation, benefits, layoffs, promotions, training, terminations, hiring and recruitment, are administered in a manner that provides a fair opportunity to

all persons.

Comment: *The United States and Florida Constitutions, as well as numerous federal, state and local laws, prohibit various forms of discrimination. You should make available to every person--whether they are applying for a City service, job or position--every consideration that is available to all citizens. The equality of opportunity to enter into public service, besides being the object of various federal, state and local laws, is a central factor in achieving efficient public service and good morale.*

E. Employment

1. Outside Business or Employment

No employee shall accept outside employment or engage in any private business if such outside employment or private business would interfere with the normal conduct of the employee's position. Prior approval as provided in Policy & Procedure 800.5 must be obtained.

No employee shall personally, or through a business in which he or she owns a material interest, provide goods or other services to the City for compensation. A "material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.

Comment: *As a City employee, you must avoid engaging in or accepting private employment or rendering service for private interests when such employment or service is incompatible with the proper discharge of your official duties or would tend to impair your independence or judgment or action in the performance of those official duties.*

2. Employment or Supervision of Relatives/Significant Others

Florida law and Orlando City Policy prohibit City employees and officials from being involved in the appointment, hiring or supervision of a relative. City policy further prohibits intimate relationships between supervisor and subordinates. Statement of relationship forms are required of persons married or co-habiting. (Section 112.3135, Florida Statutes and City Policies 800.5 and 808.34 located in Appendix B.)

Comment: These are special types of conflicts of interest, that must be avoided.

3. Discussion of Future Employment

When a City employee or official has been offered or is discussing future employment with a person, firm or any other business entity that is presently dealing with the City concerning matters currently within the employee's or official's current official duties, that person should disclose such possible future employment to their immediate supervisor when such an offer is tendered.

Comment: City employees and officials should be aware that they are vulnerable to offers of future employment by private parties in exchange for favors and/or information obtained by the person's position.

F. Gifts, Gratuities, Favors and Extra Compensation

The City's policy on gratuities and gifts (City Policy 800.5) provides the following prohibitions on the solicitation or acceptance of gratuities by City employees:

- a) No employee shall solicit, directly or indirectly, any gratuity regardless of value from any person. Provided, however, an employee or official may solicit and accept a gratuity from a relative or a personal friend who has no business interest or dealings with the employee in his City position.
- b) No employee shall accept, directly or indirectly, any gratuity, regardless of value, which is offered based upon any understanding, or under circumstances that would reasonably indicate that the vote, official action or judgement of the public officer or employee would be influenced thereby.
- c) No employee may accept a gratuity valued in excess of \$100 from any person (other than a relative) or business with whom the employee or official currently or regularly contacts or otherwise conducts business in his City capacity or with respect to whom the officer or employee is currently making decisions or regularly makes decisions affecting their business, property or personal interests.

Employees and officers may accept gratuities (unless prohibited by a, b, or c above) under the following circumstances:

- a) Tendered by a relative;
- b) Tendered to an employee or official on an appropriate gift-giving

- occasion (e.g. Christmas, birthday) when the circumstance clearly indicated motivating interests other than the business connection of the employee or public officer;
- c) Loans from banks or other financial institutions solicited or accepted on customary terms;
 - d) Tendered to an employee by a personal friend who has no business or dealings with the employee or official employee in his City position;
 - e) Consisting solely of a meal and incidental entertainment offered on an occasional or sporadic basis in a professional or social context;
 - f) Campaign contributions otherwise disclosed on appropriate state forms;
 - g) A gratuity offered to the City and accepted on behalf of the City;
 - h) Admission to events to which they are invited in their official, representative capacity as an official of the City of Orlando;
 - i) Unsolicited gratuities, provided such offer and acceptance do not violate the provisions of Florida Statutes or otherwise violate this policy; and provided that for any accepted gratuity with a value of \$25 or more, a written report describing the gratuity and stating its value and the identity of the donor shall be forwarded to the Chief Administrative Officer for review within thirty (30) calendar days. (See Appendix B for City Policy 800.5, Prevention of Conflict of Interest.)

Note: Items received as a result of participation in M.E.R.I.T.S. functions (eg. M.E.R.I.T.S Awards) or in City-sanctioned fundraising campaigns (eg. Workplace Giving) are not considered gifts or gratuities for purposes of this policy.

Comment: *City employees and officials should not accept any gifts (monetary or otherwise, such as a service, loan, thing or promise), gratuities or favors from anyone other than the City for the performance of acts within the regular course of your official duties. You should refuse any gifts or favors which reasonably may be interpreted to be offered in order to influence a municipal decision. Compensation for performing your public duty is limited to salaries, fringe benefits and any personal satisfaction that you may derive from doing a good job. [See Section 112.313(2) and (4).]*

While you are the first to decide whether to accept any gift, you must recognize that others will decide if there is “the appearance of favoritism” for your having accepted a gift. Finally, you should be wary of accepting any gifts or benefits from individuals doing business with the City or whose financial interests are affected by City action.

G. Political Activity

City Policy 808.18 prohibits on-duty City employees from participating in political campaigns for City elective office in any way beyond voting and privately expressing personal opinions. However, Florida law mandates that nothing contained in City Policy Section 808.18 or in any municipal charter shall be deemed to prohibit any public employee from expressing their opinions on any candidate or issue or from participating in any political campaign during their off-duty hours (providing that the employee does not wear or use a City uniform or insignia). (Section 104.31 (3.), Florida Statutes.)

***Comment:** City employees may participate as private citizens on campaigns for elected offices and issues during their off-duty time. As citizens, City employees can and should exercise their rights to register and vote in all elections including City elective offices. City employees wishing to run for elected City Office must comply with City Policy 808.19.*

H. Public Access: Open Meetings and Public Records

Florida law requires that meetings of public bodies be open to the public and that the records of the meeting be available for public inspection & copying. In addition, public meetings must be publicly posted as far in advance as possible, but in no event less than 24 hours in advance. (See Chapter 119 & Section 286.011, Florida Statutes.)

***Comment:** As declared in state statute, it is the official public policy of Florida that meetings of public bodies be conducted openly. Also, Florida law allows broad access to public records. Open government gives the public confidence that public affairs are being performed properly.*

I. Use of City Equipment, Facilities or Personnel for Private Gain

Unless specifically permitted by City Policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel, or other goods or services is limited to City business; they may not be used for private or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with the City policy or with written approval of the Mayor or Chief Administrative Officer.

Likewise, sworn police personnel and/or police vehicles shall not be used for non-police purposes. City personnel who anticipate a need to use police personnel and/or a police vehicle for legitimate law en-

forcement reasons during the performance of their City responsibilities must obtain advance approval of that use from the Chief Administrative Officer or his designee.

Comment: *Public respect for government is weakened when City-owned facilities and equipment are used by City employees and officials for personal gain. City office supplies, work materials, vehicles and equipment are to be used only for City work. Taking goods for private use is not a “fringe benefit”; it is stealing. Also, it is improper, and in some cases unlawful, for supervisors to use subordinates for their personal benefit. Finally, you should also avoid waste of public supplies and equipment. [See Section 112.313(6).]*

J. Harassment

The City strongly disapproves of and does not tolerate harassment of any kind. All employees and officials must avoid offensive or inappropriate harassing behavior at work and are responsible for assuring that the workplace is free from harassment at all times. The City shall discipline any employee who commits such conduct. Complaints of harassment will be promptly and carefully investigated and all employees and officials are assured that they will be free from any and all reprisal or retaliation from filing such complaints. (City Policy 808.26; Section 703(a)(1) of Title VII of the Civil Rights Act of 1964.)

Comment: *Harassment is any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual orientation, or disability, or that of his/her friends or relatives and associates. This also includes any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, and/or requests for sexual favors and other verbal or physical conduct of a sexual nature. Employees or officials who believe they are being subjected to harassment are encouraged to report the conduct to their immediate supervisor, and the Labor Relations Bureau in a timely manner.*

K. Endorsements

City employees and officials shall not use City letterhead, uniform, equipment or other City insignia, seal or trademark to endorse a commercial product or service.

Comment: *It is important that the City is viewed as being impartial.*

III. PROCEDURES

A. Where to Seek Advice

City employees or officials who have a question about the ethics of an action should discuss it with their supervisor (employees) or bring it to the attention of the City Attorney.

It is frequently necessary to consult administrative regulations, personnel rules and department directives to determine whether a particular action is allowable. The City Attorney has the authority to clarify ambiguities and to investigate allegations of improper conduct.

B. What to do if you are Uncertain

The existence of an ethical issue often does not arise until a meeting is already underway. If you have the ability to do so, call the City Attorney's Office for advice. If you do not have time to obtain advice, rather than risk an inadvertent violation of the law, the safest course of action is simply to declare that a conflict may exist that prevents you from participating, indicate the nature of the conflict and abstain from participating and voting on the matter. A good rule is: "If in doubt, don't."

C. How to Declare a Possible Conflict

The principal law on voting and conflicts is contained in section 112.3143 Florida Statutes. This is a complex area on which you should seek individual advice, whenever possible from the City Attorney's office. If you think that a statutory conflict of interest or even a possible conflict exists on a matter coming before a City board or committee on which you sit, then you should announce that fact to make known the substantial interest in the official records of the City as soon as the possible conflict comes to your attention. If possible, the disclosure should be made in writing prior to the meeting. If the conflict was not anticipated, as soon as you realize that a conflict exists on a given matter, you should: (1) announce the conflict on the record for the minutes; (2) abstain from voting; and (3) within 15 days of the vote, document the disclosure in a written memorandum filed with the person responsible for keeping the minutes of the meeting. Although you have announced a conflict and are barred from voting, you may nevertheless participate on the discussion of the matter pro-

vided that you first disclose the nature of your interest in the matter.

You should not be concerned about declaring a conflict and not participating. Indeed, elected officials often declare possible conflicts to avoid any appearance of impropriety.

D. Where to Report Improper Behavior

City employees and officials have a duty to prevent any improper governmental actions. You should not hesitate to report suspected wrongdoing if you feel or believe an employee, appointed or elected official is acting improperly. Moreover, you should never attempt to use your authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

If you believe that a violation of the law or City Policy has occurred, you should immediately contact (anonymously, if desired) the City Attorney's Office.

You may also contact, anonymously if desired, the Office of Audit & Evaluation through the **HOTLINE at 407.246.2678** should you suspect dishonest or fraudulent activity.

IV. PENALTIES AND SANCTIONS

Violations of the law set forth in this Ethics Manual may expose a City employee or appointed official to a variety of penalties - including reprimand, termination of employment and criminal prosecution.

In the case of a City employee, any disciplinary action must be conducted in conformance with the procedures established by the City Charter or City Code and in accordance with personnel rules and regulations and applicable collective bargaining agreement. Additional penalties authorized by law also may be imposed. Depending on the nature of the violation, penalties may include a fine of up to \$10,000.

City employees and officials must recognize the serious consequences of violating some of the laws set forth in this Ethics Manual. Ultimate responsibility for complying with the law rests with individual employees of public bodies. Therefore, situations involving potential conflicts of interest should be resolved by asking for clarification or by disqualification rather than participation.

APPENDICES

APPENDIX A: EXAMPLES

A. Potential Conflicts of Interest

The following examples are provided to give you an idea how the City's Conflict of Interest Policy would be applied. Of course, each situation will be decided upon the unique facts or circumstances involved. The goal of these examples--and indeed this entire Manual--is to help develop greater awareness of ethical considerations. If you are in doubt of what you should do, you should opt not to participate.

Listed below are illustrative examples of situations involving potential violations of Florida's Conflict of Interest statutes or Orlando City Policies:

1. Joe works in Construction Management. His responsibilities include performing inspections on work in progress on City public works projects. During a major construction project, he becomes friends with the on-site manager for the general contractor. They occasionally have lunch together, dutch treat. One day, the site manager invites Joe and his wife to accompany him and his spouse to a Magic game using the company tickets. Can Joe accept?

No. City Policy 800.5(E.1.b.) prohibits an employee from accepting directly or indirectly any gratuity which is offered under circumstances that would reasonably indicate that his judgment would be influenced thereby. Because Joe inspects the work of the general contractor, he cannot accept any gift from that contractor. Nor can his wife or anyone in his immediate family accept such a gift, since that would be an indirect gift to Joe.

2. During the holiday season, the general contractor on a City project visits the site with several cases of whiskey. He distributes the bottles to all of his crew members and gives one case to each of his crew chiefs. He also gives a case to the City's construction manager. Can he accept?

No. City Policy 800.5(E.1.) prohibits the receipt of gifts under circumstances that would reasonably indicate that the employee's judgment might be affected and further specifically prohibits the receipt of any gift valued in excess of \$100 from anyone with whom the employee conducts business in his City capacity. Even the acceptance of one bottle should be declined because although it is offered at holiday

time, the motivating factor appears to be the City business connection

3. Before the new restaurant can open, it must obtain a certificate of occupancy. The City building inspector visits, finds no problems and issues the certificate. The restaurant owner invites the inspector to return with his wife for a free meal. Should he accept?

No. Under these circumstances, a reasonable person might conclude that the free dinner was a reward for the favorable inspection. Acceptance would therefore be prohibited by City Policy 800.5.

4. The general contractor on a City construction project which is nearing completion invites four of the City employees who have worked on the project to join him on his yacht for a deep sea fishing trip. The contractor suggests that they all “just split the cost of the gas.” Can the employees accept?

No. City Policy 800.5 prohibits the receipt of any gift regardless of value under circumstances that would reasonably indicate that the judgment of the employee would be influenced. Since these employees still have to sign off on the completed project, and have had authority over the project during its completion, the gift of the opportunity to use the yacht must be rejected. Certainly to do otherwise would create the appearance of losing complete independence, as prohibited by City Policy 800.5 (C.).

5. An assistant bureau chief in the Parks Bureau develops a new type of lawn mower blade that he believes will save the City lots of money. He incorporates a small company and through the company markets the blade to various governmental and business maintenance operations. He wants to sell his blade to his bureau as well. Can he?

Not unless the purchase is via a sealed bid or other competitive selection procedure and the employee’s department has no control over the selection, scope of services or acceptability of the service. In this instance, employees of the assistant bureau chief are likely to be evaluating the product, which would create at least the appearance of improper use of the assistant’s position to obtain personal gain.

6. Joe’s bureau has just recently purchased new equipment. The old equipment is being boxed up to be discarded. Joe has a use for some of the old equipment. Can he simply take a box or two home at the end of his shift?

No. Surplus City equipment or other supplies can only be disposed of in accordance with City Code Chapter 7 (Purchasing).

7. Susan works in Environmental Services & has frequent contact with the City's environmental consultants referring them work (monitoring their reports and approving their expense vouchers). She, however, is never involved in the original selection of the consultants. Susan's daughter is in college and looking for a summer job. She happens to mention this to one of the consultants who tells her to send her daughter to see him. His company hires several summer interns and will be glad to hire Susan's daughter. Should Susan send her daughter to apply?

No. Because Susan makes decisions affecting the company's business interests, she cannot accept anything from the company valued in excess of \$100. A job for her daughter would be assumed to be worth more than \$100. Acceptance would also be prohibited because the circumstances reasonably indicate that Susan's judgment would be favorably influenced by this favor. Were Susan's daughter to apply to the company on her own, she would not be precluded from working for the company, so long as she is not an officer or owner of the company (see Florida Statutes, section 112.313).

8. Joe works in the Technology Management Bureau. X Corporation gives the City a 20 percent discount on all computer equipment purchased from them. Joe wants to buy some computer equipment for his home. He asks the X Corporation sales representative if he can also receive the 20 percent discount and the sales representative says yes. Can Joe take the discount?

No. City Policy 808.5 prohibits employees and officials from soliciting a gratuity which includes a discount on a purchase. If the Company goes through Employee Benefits and offers a discount to all City employees, Joe could then take advantage of it.

9. Joe works in the Planning and Development Department approving site plans for construction projects. He develops a good working relationship with a local contractor who asks him to work for him on weekends and evenings while Joe is off-duty drawing site plans for building projects outside the City. Can Joe take this job?

No. Because Joe approves the contractor's site plans in his City capacity, becoming the contractor's employee would create the appearance of offering preferential treatment or losing complete independence or impartiality.

10. Joe works in Facilities Management. He needs to paint his house over the weekend. He asks his supervisor whether he can borrow one

of the City's paint sprayers for this job. He promises to clean the unit completely and return it before start of business on Monday. Should the supervisor allow Joe to borrow the paint sprayer?

No. City Policy 808.5 prohibits the use of City equipment for non-City purposes.

11. Susan works in the Planning and Development Department. A citizen comes into the office for help with a zoning matter. The problem turns out to be quite complex, but Susan takes extra time and patience and gets the citizen's problems worked out. The next day, a small floral arrangement and a large box of chocolates is delivered for Susan with a thank you note from the citizen. What should Susan do?

Provided the gifts are not worth more than \$100, were not solicited and Susan has completed any work she might do in connection with this matter, the gift can be accepted, but must be reported on a City gift disclosure form if valued at \$25 or more. The better practice would be to share the chocolates with the office staff and not accept them personally.

12. A new restaurant is opening up just down the street from a City fire station. The restaurant owner comes into the station and wants to give each of the sworn firefighters assigned to that station a coupon for a free dinner. Can they accept?

Provided that the gift is not offered nor reasonably appears to be offered to influence any future action of the firefighters, it can be accepted. If the value exceeds \$25, it must be reported on City gift disclosure forms.

13. Joe is a manager in the Recreation Bureau. Roofers, Inc. has just completed a roofing project on one of the City's recreational facilities and did an excellent job. Joe asks Roofers to give him a quote on re-roofing his personal home. Joe gets three quotes and Roofers, Inc. is the lowest. Is there any problem with having Roofers, Inc. do the roof job?

City Policy 800.5 specifically allows employees to enter into "bona fide business transactions" with firms doing business with the City so long as no special benefit is offered or sought by the employee. So long as the Roofer's Inc. price is quoted on the same basis as quotes normally given by the company for similar roofing jobs, Joe can use their services. This is a good area in which to exercise particular caution, however, to ensure the quote is actually consistent with the mar-

ket rate.

14. Susan is a manager in the Neighborhood Services Office. She is having a plumbing problem at her home. One of the employees she supervises does plumbing work off-duty. She asks him to come fix her plumbing after work and pays the employee for the work. Is this appropriate?

City policy prohibits only the use of on-duty personnel for personal use. As long as the employee freely volunteers to do the work, does the work while off-duty and charges Susan the standard rate for similar work, the policy would not be violated. Since Susan supervises the plumber, however, this is another area where caution should be exercised to avoid the appearance of impropriety.

15. Susan is asked by a company that offers training seminars to be a speaker at a national conference. The company offers to pay her expenses plus a \$200 honorarium. Can Susan accept?

If the Company does business with the City and Susan has some role in that selection or oversight, then she should decline. Otherwise, she can accept provided the time she spends away from the job is on her personal or leave time. Moreover, she should not use City time, supplies or personnel to prepare her speech. She would need to get her supervisor's approval for this off-duty work. Alternatively, if her attendance at the seminar served a City purpose and with approval of her supervisor, she could decline the honorarium (or have the check issued to the City) and could then utilize City resources to help prepare her speech.

APPENDIX B: KEY CITY POLICIES & STATE STATUTES

800.5 SUBJECT: PREVENTION OF CONFLICT OF INTEREST

:1 OBJECTIVE:
Prescribe a City policy for prevention of conflict of interest; acceptance of outside employment; acceptance of gratuities; and divulgence of information; and provide a form.

:2 AUTHORITY:
This procedure amended by City Council April 2, 2001.

:3 DIRECTION:
Administrative Services Director, as an appointed official, serves at the pleasure of, and receives direction from the Mayor through the Chief Administrative Officer.

:4 METHOD OF OPERATION:

A. Definitions

The following words, for the purpose of this procedure, shall mean:

City is the City of Orlando Government.

Coercion is compelling an act or choice by implied or direct threat based upon a person's employment with the City.

Employee is every person who occupies a City paid position, including elected and appointed officials.

Gratuities include any gift, favor, reward, loan, meal, or other item(s) of monetary value tendered to an employee or public officer by any source other than the City.

Meal is food and beverages consumed at breakfast, brunch, lunch, or dinner.

Person shall mean any individual, firm, or corporation.

Public Officer is any person elected or appointed to hold any office in the City or in any City agency, including a person serving on an advisory body.

Relative is any person defined as a relative under section 112.312, Florida Statutes.

B. FLORIDA STATUTES

The State of Florida has adopted a Code of Ethics for Public Officers and Employees, applicable to municipal officers and employees, found in Part III of Chapter 112, Florida Statutes.

The declared policy of this law is to prohibit any public officer or employee from having any interest in, or engaging in, any obligation “which is in substantial conflict with the proper discharge of his duties in the public interest.”

Employees of the City of Orlando are required to familiarize themselves with and comply with all applicable provisions of Part III of Chapter 112, Florida Statutes. This legislation includes language prohibiting any public officer or employee from:

- > using or attempting to use the official position to secure special privileges or exemptions for himself/ herself, or others;
- > accepting employment or engaging in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of official position;
- > disclosing to others, or using for personal benefit any confidential information gained by reason of official position;
- > accepting other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;
- > receiving any compensation for official services to the City from any source other than the City, when such compensation is offered to influence a vote or other action of the officer or employee;
- > transacting any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a controlling interest;
- > having personal investments in any enterprise which will create a substantial conflict between private interests and the public interest.

Part III of Chapter 112, Florida Statutes, also mandates that certain City Officials, City board members and specified employees comply with financial disclosure and gift reporting requirements. The City Clerk is responsible for maintaining current lists of reporting individuals as required by State law.

C. GENERAL POLICY

This procedure prescribes standards of ethical conduct for all employees of the City. It is the intent of this procedure that an employee avoid any action, whether or not specifically prohibited, which might result in or create the appearance of:

- > using public office for private gain;
- > offering preferential treatment to any person;
- > impeding City efficiency or economy;
- > losing complete independence or impartiality;
- > making a City decision outside of official channels;
- > affecting adversely the confidence of the public in the integrity of the City.
- > receiving compensation from any sources other than the City for performing official City duties or any work performed on City time.

D. OUTSIDE BUSINESS OR EMPLOYMENT

No employee shall accept outside employment or engage in any private business if such outside employment or private business would interfere with the normal conduct of the employee's position.

No employee shall personally, or through a business in which he or she owns a material interest, provide goods or other services to the City for compensation. A "material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.

No employee shall engage in outside business or employment, unless written approval is first obtained from the Chief Administrative Officer or his designee. Any such request shall state the

potential employer's or business' name and address, and shall describe with particularity the employee's prospective duties or participation and the anticipated hours of employment or activity that would be associated with that business or employment. This request should be submitted to the employee's immediate supervisor and then forwarded to the CAO's office via the employee's chain of command, with recommendations for approval or disapproval noted by each level of the chain of command. Civil Service employees employed off-duty in a sworn police or firefighter capacity need not obtain CAO approval so long as written approval is first obtained in accordance with the appropriate departmental policy.

E. GRATUITIES

1. Prohibitions on solicitation or acceptance of gratuities

- a. No employee shall solicit directly or indirectly any gratuity regardless of value from any person. Provided, however, an employee may solicit and accept a gratuity from a relative or a personal friend who has no business interest or dealing with the employee in his City position.
- b. No employee shall accept directly or indirectly any gratuity, regardless of value, which is offered based upon any understanding, or under circumstances that would reasonably indicate, that the vote, official action, or judgment of the public officer or employee would be influenced thereby.
- c. No employee may accept a gratuity valued in excess of \$100 from any person (other than a relative) or business with whom the officer or employee currently or regularly contracts or otherwise conducts business in his City capacity, or with respect to whom the officer or employee is currently making decisions or regularly makes decisions affecting their business, property or personal interests.

2. When employees and officials may accept gratuities

Unless prohibited by E. 1 above, employees and officials may accept gratuities under the following circumstances:

- a. tendered to an employee by a relative.

- b. tendered to an employee on an appropriate gift-giving occasion (e.g. Christmas, birthday) when the circumstance clearly indicated motivating interests other than the business connection of the employee or public officer.
- c. loans from banks or other financial institutions solicited or accepted on customary terms.
- d. tendered to an employee by a personal friend who has no business interest or dealings with the official or employee in his City position.
- e. consisting solely of a meal and incidental entertainment offered on an occasional or sporadic basis in a professional or social event.
- f. campaign contributions otherwise disclosed on appropriate state forms.
- g. a gratuity offered to the City and accepted on behalf of the City, with said gratuity to remain the property of the City.
- h. admission to events to which they are invited in their official representative capacity as an official of the City of Orlando.
- i. unsolicited gratuities, provided such offer and acceptance do not violate the provisions of Florida Statutes or otherwise violate this policy, and provided that for any accepted gratuity with a value of \$25.00 or more, a written report describing the gratuity and stating its value and the identity of the donor shall be forwarded by the employee or public officer to the Chief Administrative Officer for review within thirty (30) calendar days (Form 800.5.1 - Gifts and Gratuities). After review of the report, the report shall be filed with the City Clerk by the Chief Administrative Officer.

F. CONFIDENTIALITY OF INFORMATION

No employee shall furnish to anyone any information, other than public information, that was obtained as a result of employment with the City to gain personal advantage for himself/herself or

another. This shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing of information that would place the employee or the recipient in a vantage position over the general public, and thereby constitute a violation of public trust.

G. COERCION

An employee is prohibited from using or allowing a family member to use the employee's City employment to coerce or give the appearance of coercing a person to provide benefit to himself/ herself, or another person, particularly one with whom the employee has family, business, or financial ties.

H. INTEREST IN CONTRACTS WITH CITY

1. City Council

No member of the City Council of the City of Orlando shall be directly or indirectly employed by any person, firm, or corporation, nor be interested, directly or indirectly, in any firm or corporation having any contractual relation with, or rendering for any contractual relations with, or rendering for any consideration, services to the City of Orlando, or any department or agency of the City. No person, firm, or corporation having any contractual relation with, or rendering for any consideration, services to the City of Orlando, or any department or agency thereof, shall employ directly or indirectly any member of the City Council of the City of Orlando, nor shall any such firm or corporation have as a direct or indirect interested party thereof a member of the City Council of the City. No person, firm, or corporation which has a member of the City Council as an employee or as a direct or indirect interested party therein, shall be eligible to be considered to have a contractual relation with or to render for any consideration, services to the City of Orlando.

- ##### 2. Employees of the City; Employees of Boards, Commissions, and Agencies; Members of Boards
- No employee of the City of Orlando, or member of any board, commission or agency of the City of Orlando shall be directly or indirectly employed by any person, firm, or corporation nor be interested, directly or indirectly, in any firm, or corporation having, or proposing to have, any contractual relation with or rendering, or proposing to render for any consideration,

services to the City of Orlando or any department, board or agency thereof, when the approval, concurrence, decision, recommendation, or advice of the employee or member shall be sought, obtained, or required in any connection with such contractor service. No person, firm or corporation having, or proposing to have any contractual relationship with, or rendering, or proposing to render for any consideration, services to the City of Orlando, or any department, board or agency of the City of Orlando, shall employ or have as an interested party, directly or indirectly, any employee of the City, member of any board of the City, or employee of any board, commission, or agency of the City, when the approval, concurrence, decision, recommendation or advice of such employee or member shall be sought, obtained or required in connection with such contract or service. No person, firm or corporation shall be deemed to be proposing to have a contractual relation with the City or to be proposing to render services to the City unless such person, firm, or corporation shall submit a bid to the City for a City contract, shall make a contractual offer to the City, or shall request the City to consider entering a contractual relation with the person, firm, or corporation.

I. PROHIBITED RELATIONSHIPS

No employee shall engage in intimate dating or sexual activity with another employee in his/her direct chain of command; provided however, for couples legally married pursuant to Florida law, this prohibition will not apply unless one of the individuals is the rater or reviewer of the other. Violation is considered a major offense and shall subject both employees to disciplinary action up to and including termination.

Should two (2) employees wish to engage in a prohibited relationship, one (1) of the employees must transfer or resign.

J. USE OF CITY FACILITIES, EQUIPMENT, ETC.

Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to City business; they may not be used for private or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy or with written approval of the Mayor or Chief Administrative Officer.

Likewise, sworn police personnel and/or police vehicles shall not be used for non-police purposes. City personnel who anticipate a need to use police personnel and/or a police vehicle for legitimate law enforcement reasons during the performance of their City responsibilities must obtain advance approval of that use from the Chief Administrative Officer or his designee.

K. BONA FIDE BUSINESS TRANSACTIONS

This procedure shall not be interpreted to prevent an employee from entering into a bona fide business transaction for the services of or purchase of goods or materials from a person, firm, or corporation doing business with the City when no special benefit, not otherwise available to other patrons of the person, firm, or corporation, is accorded or sought by the employee.

L. PENALTIES

Violation of any provision of this procedure by an employee shall be sufficient cause for immediate dismissal of the employee.

Violation of any provision of this procedure by a contractor, supplier or vendor shall be sufficient cause for the denial of the right of said contractor, supplier, or vendor to bid on or to sell any materials, supplies, equipment, or services to the City for a period of time to be determined pursuant to City Code Chapter 7.

:5 FORMS:
Form 800.5.1, "Gifts and Gratuities."

:6 COMMITTEE RESPONSIBILITIES:
None.

:7 REFERENCE:

Part III of Chapter 112, Florida Statutes. "Guide to the Code of Ethics for Public Officers and Employees," State of Florida Commission on Ethics. City Charter, Chapter 2, Sections 7, 8, 9. Procedure adopted by City Council December 14, 1970, Item 37; amended January 7, 1974, Item 23; amended August 29, 1977, Item 8; renumbered from 708.14 and amended December 16, 1985, Item 23A-2; amended December 18, 1989, Item 16A-47; amended July 29, 1991, Item 4/UU, amended June 21, 1993, Item 2-P, amended January 10, 1994, Item K, amended February 6, 1995, Item RR..

:8 EFFECTIVE DATE:
This procedure effective April 2, 2001.

808.34 SUBJECT: EMPLOYMENT OR PLACEMENT OF RELATIVES

:1 OBJECTIVE:

To define City policy concerning employment and/or placement of relatives of City of Orlando employees.

:2 AUTHORITY:

This procedure amended by City Council May 11, 1998, Item 6-A.

:3 DIRECTION:

Personnel Management Bureau Chief, Department Directors Bureau Chiefs, and Executive/Administrative Officials

:4 METHOD OF OPERATION:

A. Definitions

For the purpose of this procedure, the words or phrases shall be defined as follows:

Relative - One who is related to an employee, as father, mother, son, daughter, brother, sister, uncle, aunt, grandfather, grandmother, 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. An employee's cohabitant shall be considered a relative for the purpose of this policy only.

Cohabit/Cohabitant - To live together as though husband and wife.

Public Official - Includes employees with the vested or delegated authority to appoint, employ, promote, advance, or discipline others; as well as those who can effectively recommend individuals for appointment, employment, promotion, advancement, or discipline.

B. Policy

1. A relative or cohabitant of a City employee applying for a position in the City shall complete a Statement of Relationship (Form 808.34.1) at the time application is filed.

Public officials may not appoint, employ, promote, or

2. advance a relative or cohabitant within the organizational unit(s) over which they exercise jurisdiction or control. Further, public officials may not advocate the appointment, employment, promotion, or advancement of a relative or cohabitant within the organization, even if such position is not under their jurisdiction or control.
3. A relative or cohabitant of a City employee shall not be employed if the relationship reasonably could be said to result in or create the appearance of any action, whether or not specifically prohibited, of:
 - a. Offering or encouraging preferential treatment of the employee or relative.
 - b. Impeding City efficiency or economy.
 - c. Losing complete independence or impartiality.
 - d. Making a City decision outside of official channels.
 - e. Affecting adversely the confidence of the public in the integrity of the City.
 - f. Creating any other conflict of interest (see Section 800.5) which substantially will affect the performance or non-performance of the employee's or relative's official duty.
4. Should two employees working for the City of Orlando become related by marriage, or begin to cohabit, both shall complete a Statement of Relationship (Form 808.34.1) for evaluation by the Department Directors, Bureau Chief(s), and Office Head(s). If there is a violation of the provisions outlined in paragraphs B2 or B3 of this policy, one employee must resign or, if convenient to the City, be transferred to another position within thirty (30) days. If one of the two employees does not resign or transfer within thirty (30) days, and the violation continues, one or both employees may be terminated. (See State Statute 112.3135, Restriction of Employment of Relatives).

5. Violation, at any time, of these provisions shall be sufficient cause for immediate dismissal.
6. The employee is responsible for keeping the Statement of Relationship up to date. If there is a change in either the relationship (marriage, divorce, adoption) or the City position, a new Statement must be submitted.
7. An employee adversely affected by a ruling on any of the provisions contained herein, may file an appeal for resolution of the grievance, as provided for in Policy and Procedures Manual, Section 808.21, "Grievance Procedure."
8. Prospective new hires for the City that have a relative and/or cohabitant currently employed with the City, shall be required to complete a Statement of Relationship form at the time of application. The Department Director, Bureau Chief, or Office Head for the hiring office will review the relationship for adherence to the provisions of this policy and make a recommendation to the Personnel Management Bureau. The Statement of Relationship form must be completed and signed by all parties prior to processing the new hire for employment with the City.

:5 FORMS:

Statement of Relationship, Form 808.34(10/89)

:6 COMMITTEE RESPONSIBILITIES: None.

:7 REFERENCE:

Florida Statute 112.3135. City Council Minutes, March 16, 1964, Item 39; Supervisors Policy Manual, Section 621, Employment of Relatives; Policy and Procedures Manual, Section 708.34, amended May 20, 1974, Item 30; amended January 27, 1975, Item 23; amended June 20, 1977, Item 4; renumbered to 808.34 and amended October 9, 1989, Item 20, A-26; amended May 11, 1998, Item 6-A. This procedure rescinds and supersedes previous City Council actions on this subject.

:8 EFFECTIVE DATE:

This procedure effective May 11, 1998.

**CODE OF ETHICS FOR
PUBLIC OFFICERS AND EMPLOYEES**

- 112.311 Legislative intent and declaration of policy.
- 112.312 Definitions.
- 112.313 Standards of conduct for public officers and employees of agencies, and local government attorneys.
- 112.3135 Restriction on employment of relatives.
- 112.3143 Voting conflicts.
- 112.3144 Full and public disclosure of financial interests.
- 112.3145 Disclosure of financial interests, clients represented before agencies.
- 112.3146 Public records.
- 112.3147 Forms.
- 112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.
- 112.3149 Solicitation and disclosure of honoraria.
- 112.3151 Extensions of time for filing disclosure.
- 112.316 Construction.
- 112.317 Penalties.
- 112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.
- 112.3175 Remedies; contracts voidable.
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- 112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.
- 112.3188 Confidentiality of information given to the Chief Inspector General, internal auditors, and inspectors general, local chief executive officers, or other appropriate local officials.
- 112.3189 Investigative procedures upon receipt of whistle-blower information from certain state employees.
- 112.31895 Investigative procedures in response to prohibited personnel actions.
- 112.3191 Short title.
- 112.320 Commission on Ethics; purpose.
- 112.321 Membership terms; travel expenses; staff.
- 112.3213 Legislative intent and purpose.
- 112.3215 Lobbyists before the Executive branch or the Constitution Revision Commission registration and reporting; investigation by commission.
- 112.3217 Contingency fees; prohibitions; penalties.
- 112.322 Duties and powers of commission.
- 112.3231 Time limitations.
- 112.3232 Compelled Testimony
- 112.324 Procedures on complaints of violations, public records and meeting exemptions.
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- 112.326 Additional requirements by political subdivisions and agencies not prohibited.

112.311 Legislative intent and declaration of policy.

- (1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.
- (2) It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.
- (3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.
- (4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.
- (5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who vio-

late the provisions of this part.

- (6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

- (1) “Advisory body” means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- (2) “Agency” means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.
- (3) “Breach of the public trust” means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.
- (4) “Business associate” means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co owner of property.
- (5) “Business entity” means any corporation, partnership, limited partnership,

proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

The following words, for the purpose of this manual and appendices, shall Mean:

- (6) “Candidate” means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate’s oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.
- (7) “Commission” means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.
- (8) “Conflict” or “conflict of interest” means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- (9) “Corruptly” means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.
- (10) “Disclosure period” means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.
- (11) “Facts materially related to the complaint at issue” means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.
- (12)(a) “Gift,” for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee’s behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee’s benefit or by any other means, for which equal or greater con-

sideration is not given within 90 days, including:

1. Real property.
 2. The use of real property.
 3. Tangible or intangible personal property.
 4. The use of tangible or intangible personal property.
 5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either 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.
 6. Forgiveness of an indebtedness.
 7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
 8. Food or beverage.
 9. Membership dues.
 10. Entrance fees, admission fees, tickets to events, performances, or facilities.
 11. Plants, flowers, or floral arrangements.
 12. Services provided by persons pursuant to a professional license/certificate.
 13. Other personal services for which a fee is normally charged by the person providing the services.
 14. Any other similar service or thing having an attributable value not already provided for in this section.
- (b) "Gift" does not include:
1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
 2. Contributions or expenditures reported pursuant to chapter 106, 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.
 4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
 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. Gifts 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.
- (c) For the purposes of paragraph (a), “intangible personal property” means property as defined in s. 192.001(11)(b).
- (d) For the purposes of paragraph (a), the term “consideration” does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.
- (13) “Indirect” or “indirect interest” means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.
- (14) “Liability” means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.
- (15) “Material interest” means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.
- (16) “Materially affected” means involving an interest in real property located within the jurisdiction of the official’s agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official’s agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.
- (17) “Ministerial matter” means action that a person takes in a prescribed

manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

- (18) "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.
- (19) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.
- (20) "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- (21) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or 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 public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.
- (22) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

- (23) “Source” means the name, address, and description of the principal business activity of a person or business entity.
- (24) “Value of real property” means the most recently assessed value in lieu of a more current appraisal.

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

- (1) DEFINITION.—As used in this section, unless the context otherwise requires, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.
- (2) SOLICITATION OR ACCEPTANCE OF GIFTS.—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.
- (3) DOING BUSINESS WITH ONE’S AGENCY.—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer’s or employee’s spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer’s or employee’s spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer’s or employee’s own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator’s place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:
 - (a) October 1, 1975.
 - (b) Qualification for elective office.
 - (c) Appointment to public office.

(d) Beginning public employment.

- (4) **UNAUTHORIZED COMPENSATION.**—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with The exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.
- (5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.
- (6) **MISUSE OF PUBLIC POSITION.**—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.
- (7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—
- (a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of

special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—No public officer, employee of an agency, or local government attorney shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) **POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.**—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state offi-

cers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

- (I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.
- (II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.
- (III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.
- (IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.
- (V) The Chancellor and Vice Chancellors of

the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

- b. “Appointed state officer” means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.
 - c. “State agency” means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.
3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.
 4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.
 5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.
 6. This paragraph is not applicable to:

- a. A person employed by the Legislature or other agency prior to July 1, 1989;
 - b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
 - c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
 - d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or
 - e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.
- (b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

- (a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.
- (b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

- (11) **PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.**—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.
- (12) **EXEMPTION.**—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:
- (a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.
 - (b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:
 - 1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;
 - 2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
 - 3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of

the intended business.

- (c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
- (d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
- (e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
- (f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
- (g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.
- (h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.
- (i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

- (i) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:
 - 1. The price and terms of the transaction are available to similarly situated members of the general public; and
 - 2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

- (13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

- (14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the governing body of which the person was an officer for a period of 2 years after vacating that office.

- (15) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:
 - (a) The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;
 - (b) The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at

the meeting, by communicating with officers or employees of the agency, or otherwise; and

- (c) The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of the officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.—

- (a) For the purposes of this section, “local government attorney” means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, “unit of local government” includes, but is not limited to, municipalities, counties, and special districts.
- (b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.
- (c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

112.3135 Restriction on employment of relatives.—

- (1) In this section, unless the context otherwise requires:
- (a) “Agency” means:
 - 1. A state agency, except an institution under the jurisdiction of the division of Universities of the Department of Education;
 - 2. An office, agency, or other establishment in the legislative branch;
 - 3. An office, agency, or other establishment in the judicial branch;
 - 4. A county;
 - 5. A city; and
 - 6. Any other political subdivision of the state, except a district school board or community college district.
 - (b) “Collegial body” means a governmental entity marked by power or authority vested equally in each of a number of colleagues.
 - (c) “Public official” means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.
 - (d) “Relative,” for purposes of this section only, with respect to a public official, means an individual who is related to the public official 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, or half sister.
- (2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who

is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

- (b) Mere approval of budgets shall not be sufficient to constitute “jurisdiction or control” for the purposes of this section.
- (3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), of individuals whose employment would be otherwise prohibited by this section.
- (4) Legislators’ relatives may be employed as pages or messengers during legislative sessions.

112.3143 Voting conflicts.—

- (1) As used in this section:
 - (a) “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.
 - (b) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.
- (2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer’s special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by

which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

- (3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.
- (b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.
- (4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.
 - (a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

- (b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
- (c) For purposes of this subsection, the term “participate” means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer’s direction.
- (5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

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APPENDIX C: LOBBYIST ORDINANCE

AN ORDINANCE AMENDING SECTION 2.191 OF ARTICLE XXIX (LOBBYISTS) OF CHAPTER TWO OF THE CODE OF THE CITY OF ORLANDO BY DELETING THE CURRENT PROVISIONS AND ADDING NEW DEFINITIONS, PROHIBITION, REGISTRATION AND REPORTING REQUIREMENTS, AND PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA: SECTION ONE : Section 2.191 of Article XXIX of Chapter 2 of the Code of the City of Orlando is deleted in its entirety and a new Section 2.191 is added as follows:

ARTICLE XXIX. LOBBYISTS

Sec. 2.191. Definitions, Registration, and Reporting Requirements for Lobbyists; Penalties.

- (1) Definitions.
 - (a) Compensation means monetary consideration of any kind, either received or expected, including but not limited to, salary, payment, retainer, commission, consideration of any type, forbearance, forgiveness or any combination thereof. For purposes of this section, compensation shall only include something of monetary value.
 - (b) Lobbying means any communication, written or oral, or any meeting or discussion by a Lobbyist with any member of City Council, Staff Decision Maker or board member wherein there is communicated, disclosed or discussed any matter which is or may be pending before City Council, Staff Decision Maker or the respective board in order to influence the action or inaction of the City Council, Staff Decision Maker or the respective board. The definition of lobbying includes appearances before City Council and boards but does not include the act of filing an application on behalf of or as authorized agent for another.
 - (c) Lobbyist means any person who shall engage in lobbying as defined herein for compensation for (1) an entity other than his or her employer; or (2) for any entity including his or her employer if a principal function of his or her position is lobbying or governmental relations.
 - (d) Staff Decision Makers means the following employees of the

City of Orlando who have been delegated final decision making authority by ordinance to make decisions on behalf of the City, when they are acting within the scope of that final decision making authority: Appearance Review Officer, Building Official, Deputy Building Official, City Engineer, Fire Marshall, Historic Preservation Officer, Planning Official, Transportation Engineer, Vehicle for Hire Administrator and Zoning Official.

- (2) Prohibitions on Lobbying of Board Members. Lobbying of the members of all City boards by Lobbyists shall be prohibited outside of open, posted public meetings; provided however, in advance of any City board meeting, Lobbyists may provide written documents and information to the Recording Secretary of any City Board for dissemination to all Board members. Lobbying at public meetings shall be subject to the registration and reporting requirements set forth in paragraphs 3 and 4 of this section.

The prohibitions and requirements in this Article are in addition to the City's Public Works and Office of Purchasing & Materials Management policies that prohibit proposers from any and all communication regarding the procurement process with Council members, selection committee members, and City staff until Final Award is made, except through the assigned staff member.

GLOSSARY OF TERMS

Section 2.05 of the City Code.

City is the City of Orlando Government.

City Council/Elected Official - The Mayor and City Commissioners

Coercion is compelling an act or choice by implied or direct threat based upon a person's employment with the City.

Conflict of Interest - means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Employee is every person who occupies a City paid position, including elected and appointed officials.

Employees and Officials- Includes all elected officials, appointed board members and other employees of the City.

Florida Statute - law enacted by the Florida Legislature which applies throughout the State of Florida.

Gratuities include any gift, favor, reward, loan, meal, or other item(s) of monetary value tendered to an employee or public officer by any source other than the City.

Meal is food and beverages consumed at breakfast, brunch, lunch or dinner.

Person shall mean any individual, firm, or corporation.

Public Officer is any person elected or appointed to hold any office in the City or in any City agency, including a person serving on an advisory body.

Public Official - Includes employees with the vested or delegated authority to appoint, employ, promote, advance, or discipline others; as well as those who can effectively recommend individuals for appointment, employment, promotion, advancement, or discipline.

Public Records - all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.