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SECRETARY**

PROCEDURE NUMBER: 102.004

PROCEDURE TITLE: ETHICS

RESPONSIBLE AUTHORITY: OFFICE OF THE GENERAL COUNSEL

EFFECTIVE DATE: MAY 14, 2020

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SUPERSEDES: NONE

RELEVANT DC FORMS: DC2-5004 AND DC2-831

OTHER RELEVANT FORMS: COMMISSION ON ETHICS FORMS 1, 9, AND 10

ACA/CAC STANDARDS: 2-CO-1A-29, 2-CO-1C-24, 4-APPFS-3C-02, 4-4024, 4-4069, 4-ACRS-7C-01, AND 4-ACRS-7E-13

STATE/FEDERAL STATUTES: CHAPTERS 104, 106, 112 (Part III), 119, AND 287, F.S.; SECTIONS 110.233 AND 945.0311, F.S.; AND FEDERAL HATCH ACT, 5 U.S.C. §§ 1501-1508

FLORIDA ADMINISTRATIVE CODE: CHAPTER 60L-36, F.A.C.

OTHER: ARTICLE I, SECTION 24, FLORIDA CONSTITUTION; GOVERNOR'S EXECUTIVE ORDER 19-11; AND GOVERNOR'S ETHICS MANUAL EFFECTIVE FEBRUARY 28, 2020

PURPOSE: To provide clear and enforceable standards that will guide Department of Corrections employees as they serve the citizens of the State of Florida.

DEFINITIONS: The term or phrase:

- (1) **Business Entity**, where used herein, in accordance with section 112.312(5), F.S., refers to any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust doing business in Florida.
- (2) **Code of Ethics**, where used herein, refers to this procedure unless otherwise indicated.
- (3) **Commodity**, where used herein, in accordance with section 287.012(5), F.S., refers to any supplies, materials, goods, merchandise, food, equipment, information technology, or other personal property contracted for by the Department.
- (4) **Conflict or Conflict of Interest**, where used herein, in accordance with section 112.312(8), F.S., refers to any situation in which regard for a private interest tends to lead to the disregard of an official duty or public interest.
- (5) **Contract Management**, where used herein, in accordance with section 287.057(14), F.S., refers to enforcing the performance of contract terms and conditions, including, but not limited to, the establishment of procedures for monitoring and documenting contractor performance, reviewing and documenting all deliverables for which payment is requested by vendors, and providing written certification of the Department's receipt of goods and services.
 - (a) Contract management may involve carrying out the preparations for contracting, negotiating the contract, monitoring the contractor's performance, approving invoices for payment, and monitoring expenditures.
 - (b) Pursuant to section 287.057(14), F.S., a Contract Manager may delegate certain contract management functions to a Local Contract Coordinator.
- (6) **Contractual Services**, where used herein, in accordance with section 287.012(8), F.S., refers to the rendering of time and effort to the Department, as opposed to the furnishing of specific commodities, by any person that is an independent contractor. The term may include, but is not limited to, evaluations, consultations, maintenance, accounting, security, management systems, management consulting, educational training programs, research and development studies or reports, and professional, technical, and social services.
- (7) **Contribution**, where used herein, refers to the promise, pledge, grant, or payment of money or property, financial assistance, or any other thing of value given in response to a solicitation.
- (8) **Department**, where used herein, refers to the Florida Department of Corrections.
- (9) **Employee**, where used herein, refers to Senior Management Service, Selected Exempt Service, Career Service, and Other Personal Service staff members of the Department.

- (10) **Enumerated Employees**, where used herein, in accordance with the Ethics Manual issued by the Executive Office of the Governor effective July 1, 2019, refers to all of the following individuals employed by the Department of Corrections: those required by Article II, section 8 of the Florida Constitution or section 112.3145, F.S., to file financial disclosure; participants in procuring government gifts or services more than \$1,000 per year; the Secretary; the Deputy Secretary; the Chief of Staff; the General Counsel; the Communications Director; and the Director of Legislative Affairs.
- (11) **Expenditure**, where used herein, in accordance with section 112.3215(1)(d), F.S., refers to any payment, distribution, loan, advance, reimbursement, deposit, or anything of value given by a lobbyist or by a principal for the purpose of lobbying.
- (12) **Favoritism**, where used herein, refers to a display of partiality toward a person or group.
- (13) **Gift**, where used herein, in accordance with section 112.312(12)(a), F.S., refers to anything of value accepted by an employee or by another on the employee's behalf, or anything given to another for or on behalf of an employee for the employee's benefit, for which equal or greater consideration is not given within 90 days.
- (a) Examples of gifts include, but are not limited to, the following:
1. real property or the use thereof;
 2. tangible or intangible personal property or the use thereof;
 3. a preferential rate or terms on a transaction not available to others similarly situated;
 4. forgiveness of a debt;
 5. transportation (unless provided by an agency in relation to officially approved governmental business);
 6. lodging;
 7. parking;
 8. food or beverage;
 9. dues;
 10. fees;
 11. tickets;
 12. plants and flowers;
 13. personal services for which a fee is normally charged by the provider; and
 14. any other thing or service having an attributable value.
- (b) In accordance with section 112.312(12)(b), F.S., gifts do not include the following:
1. salary, benefits, services, fees, commissions, or expenses associated primarily with an employee's employment;
 2. except as provided in section 112.31485, F.S., contributions or expenditures reported pursuant to chapter 106, F.S., or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee;
 3. an honorarium or an expense related to an honorarium event paid to an employee or the employee's spouse;
 4. an award, plaque, certificate, or similar personalized item given in recognition of the employee'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 government agency for a public purpose;
 7. transportation provided to a public officer or employee by an agency in relation to officially approved government business; or
 8. anything of value provided directly or indirectly by a state, regional, or national organization that 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 officials or staff, to members of that organization or to officials or staff of a governmental agency that is a member of that organization.
- (14) **Gift Value or Value**, where used herein, in accordance with sections 112.3148(7)(a) and 112.312(24), F.S., refers to the actual costs to the donor, less taxes and gratuities, or the reasonable and customary charge for personal services in the community where the services are provided. With regard to real property, “value” refers to the most recently assessed value in lieu of a more current appraisal.
- (15) **Honorarium**, where used herein, in accordance with section 112.3149(1)(a), F.S., refers to anything of value paid directly or indirectly to a reporting individual or procurement employee, or to any other person on her/his behalf, as consideration for certain speaking and writing activities.
- (16) **Immediate Family**, where used herein, in accordance with section 112.3148(2)(a), F.S., refers to a parent, spouse, child, or sibling.
- (17) **Lobbying**, where used herein, in accordance with section 112.3215(1)(h), F.S., refers to any attempt on behalf of another person, to:
- (a) influence a decision of the Department in the area of policy or procurement; or
 - (b) obtain the goodwill of a Department official or employee.
- (18) **Lobbyist**, where used herein, in accordance with sections 112.3148(2)(b) and 112.3149(1)(d), refers to:
- (a) any person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual, procurement employee, or the Department; and
 - (b) any person who, for compensation, seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by a reporting individual, procurement employee, or the Department.
- (19) **Local Contract Coordinator**, where used herein, refers to a specific Department employee located in the field/region designated by a Contract Manager to assist in monitoring the performance of a contractor.

- (20) **Official Action**, where used herein, refers to any act taken by an individual during the performance of her/his official duties as an employee of the Department.
- (21) **Official Duty or Public Duty**, where used herein, refers to all duties, responsibilities, and obligations undertaken by an individual pursuant to her/his employment with the Department.
- (22) **Outside Employment**, where used herein, refers to services rendered to any person other than the Department in exchange for compensation. Compensation includes, but is not limited to, payment for expert witness, consulting, auditing, and research services, and for serving as an elected or appointed state or local public official.
- (23) **Person**, where used herein, in accordance with sections 112.3148(2)(c) and 112.3149(1)(b), F.S., includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
- (24) **Political Committee**, where used herein, has the meaning set forth in section 106.011(16), F.S.
- (25) **Principal**, where used herein, in accordance with section 112.3215(1)(i), F.S., refers to a person that has employed or retained a lobbyist.
- (26) **Procurement Employee**, where used herein, in accordance with sections 112.3148(2)(e) and 112.3149(1)(d), F.S., refers to any employee who during the preceding 12 months has done any of the following in connection with the procurement of contractual services or commodities as defined in section 287.012, F.S., when the cost of such contractual services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year:
- (a) participated in the decision, approval, disapproval, recommendation, or preparation of any part of a purchase request;
 - (b) influenced the content of any specification or procurement; or
 - (c) rendered advisory, investigative, or auditing services.
- (27) **Public Purpose**, where used herein, refers to any purpose with an objective that is:
- (a) benevolent,
 - (b) philanthropic,
 - (c) patriotic,
 - (d) educational,
 - (e) humane,
 - (f) scientific,
 - (g) artistic,

- (h) civic,
- (i) focused on public health,
- (j) focused on social welfare or advocacy,
- (k) focused on environmental conservation, or
- (l) otherwise altruistic.

(28) **Relative**, where used herein,

- (a) In accordance with section 112.312(21), F.S., the term refers to an individual who is related to an employee as a:
 - 1. father;
 - 2. mother;
 - 3. son;
 - 4. daughter;
 - 5. brother;
 - 6. sister;
 - 7. uncle;
 - 8. aunt;
 - 9. first cousin;
 - 10. nephew;
 - 11. niece;
 - 12. husband;
 - 13. wife;
 - 14. father-in-law;
 - 15. mother-in-law;
 - 16. son-in-law;
 - 17. daughter-in-law;
 - 18. brother-in-law;
 - 19. sister-in-law;
 - 20. stepfather;
 - 21. stepmother;
 - 22. stepson;
 - 23. stepdaughter;
 - 24. stepbrother;
 - 25. stepsister;
 - 26. half-brother;
 - 27. half-sister;
 - 28. grandparent;
 - 29. great grandparent;
 - 30. grandchild;
 - 31. great grandchild;
 - 32. step grandparent;
 - 33. step great grandparent;
 - 34. step grandchild; or

35. step great grandchild.

(b) The term also refers to:

1. any individual who is engaged to be married to an employee,
2. any individual who otherwise holds her/himself out as or is generally known as the individual whom an employee intends to marry,
3. any individual with whom an employee intends to form a household, or
4. any individual having the same legal residence as an employee.

(29) **Reporting Individual**, where used herein, in accordance with sections 112.3148(2)(d) and 112.3149(1)(c), F.S., refers to any individual who is required by Article II, section 8 of the Florida Constitution and/or section 112.3145, F.S., to file full or limited public disclosure of her/his financial interests.

(30) **Selected Exempt Services (SES) Employee**, where used herein, in accordance with section 110.602, F.S., refers to an individual who serves in a position for which the salary and benefits are set by the Department in accordance with the rules of the Selected Exempt Service.

(31) **Senior Management Services (SMS) Employee**, where used herein, in accordance with section 110.402, F.S., refers to an individual who serves in a position, the duties and responsibilities of which are primarily and essentially policy-making or managerial in nature, and for which the salary and benefits are set by the Department in accordance with the rules of the Senior Management Service.

(32) **Solicitation**, where used herein,

(a) refers to a direct or indirect request for anything of value.

(b) Solicitation for contributions includes, but is not limited to:

1. any oral or written request;
2. distributing, circulating, posting, or publishing flyers or handbills;
3. selling, offering, or attempting to sell any coupon, chance, magazine, membership, merchandise, subscription, sponsorship, food, or other service or tangible good, item, or thing of value.

(33) **Special Private Gain or Loss**, where used herein, refers to an economic benefit or harm that would inure to an employee, her/his father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, or any dependent sharing a household with the employee, or a related business entity.

(34) **Unavoidable Situation**, where used herein, refers to an unforeseeable and unpreventable occurrence.

(35) **Vendor**, where used herein, in accordance with section 112.3148(2)(f), refers to a business entity doing business directly with the Department such as renting, leasing, or selling any realty, goods, or services.

SPECIFIC PROCEDURES:

(1) **AVOIDING THE APPEARANCE OF IMPROPRIETY:**

- (a) As agents of the people of the State of Florida, all employees must avoid the appearance of impropriety in the performance of their official duties.
- (b) In accordance with section 112.311(2), F.S., no employee will be denied the opportunity, available to all other citizens of the State of Florida, to acquire and retain private economic interests except when such enterprises conflict with the public responsibilities of such employees, the perception of such conflict exists, or when such conflicts cannot be avoided.
- (c) All employees must use the powers and resources of the Department to further the public interest and not for any personal benefit other than salaried compensation and employer-provided benefits.
- (d) All employees must safeguard their ability to make objective, fair, and impartial decisions.
- (e) Employees must not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision, or to reward a past decision of the employee.
- (f) All employees must avoid any conduct that might undermine the public trust whether that conduct is unethical, or merely lends itself to the appearance of ethical impropriety.

(2) **FAVORITISM:**

- (a) Favoritism toward certain employees, persons, or groups must be avoided.
- (b) Collecting funds from co-workers for the purpose of honoring a co-worker or celebrating events such as a birthday or retirement are permissible as long as:
 - 1. the contribution from each co-worker is limited to a reasonable amount,
 - 2. a supervisor or someone higher in the chain of command is aware of and approves of the fundraising, and
 - 3. contributions are made voluntarily.

(3) **FAIR ACCESS AND EQUAL OPPORTUNITY:**

- (a) All employees must afford all citizens of the State of Florida a fair and equal opportunity to express their concerns and ideas regarding state programs and policies without regard to their:
 - 1. political affiliation,
 - 2. sophistication, or
 - 3. affluence.
- (b) Recommendations and decisions made by employees in the performance of their official duties must:
 - 1. be made without bias; and

2. not be improperly influenced by the race, color, national origin, age, sex, disability, or religious creed of the individual(s) affected by or subject to the action.
- (c) In order to protect the rights guaranteed by the Florida Constitution, the Department will remain committed to a policy of open government.
- (4) **APPLICABILITY AND GENERAL PROVISIONS:** All employees must comply with the requirements of:
 - (a) this procedure, to the extent it does not require less than what is required by Florida law;
 - (b) Article I, section 24 of the Florida Constitution (Access to Public Records and Meetings);
 - (c) chapter 112, Part III, F.S. (statutory Code of Ethics for Public Officers and Employees); and
 - (d) chapter 119, F.S. (Public Records).
- (5) **ETHICS TRAINING:** Each employee will be provided information on the subjects of ethics, public records, open meetings, records retention, equal opportunity, and proper personnel procedures on an annual basis.
 - (a) All new employees will receive and sign for a copy of this procedure during orientation.
 - (b) The Bureau of Staff Development and Training will conduct subsequent annual ethics training.
 - (c) The Bureau of Staff Development and Training will ensure that the annual training remains available and accessible on the Department's internal web site.
- (6) **CHIEF ETHICS OFFICER:**
 - (a) The Secretary hereby designates the General Counsel as the Department's Chief Ethics Officer.
 - (b) The Secretary hereby designates the following as liaisons to assist the Chief Ethics Officer with communication at the local level. These individuals will not serve in an advisory role, however, and all requests for ethics opinions must be directed to the Chief Ethics Officer:
 1. the Warden at each institution; and
 2. the Circuit Administrator at each community corrections circuit office.
 - (c) The Chief Ethics Officer will make efforts to ensure that all employees become familiar with this procedure as well as any additional ethics, public records, and open government requirements that may apply.
- (7) **SOLICITATION OF GIFTS:**
 - (a) Enumerated Employees may not solicit any gift, regardless of its value, if the gift is for the personal benefit of her/himself, his or her family, or another employee.

- (b) All other employees, in accordance with section 112.313(2), F.S., must not solicit anything of value based upon any understanding that the thing of value will influence official action.

(8) **ACCEPTANCE OF GIFTS:**

(a) **All Employees:**

1. In accordance with section 112.313(2), F.S., employees must not accept anything of value including, but not limited to, gifts, loans, rewards, promises of future employment, favors, or services if the employee knows, or with the exercise of reasonable care should know, that her/his official actions may be influenced.
2. Any gift that cannot be received directly may not be received indirectly. For example, a \$300 gift from a lobbyist cannot be accepted by the spouse of an employee for the employee's benefit.
3. All employees have a duty to inquire whether a gift is being given by a lobbyist or a principal of a lobbyist. Employees must not accept any gift unless they have determined that the donor is not a lobbyist or the principal of a lobbyist.
4. Employees must not solicit or accept a contribution from a vendor unless the Chief Ethics Officer has approved the contribution.
5. All employees may attend events sponsored by the Corrections Foundation.
6. All employees may attend community events open to the public.
7. All employees may attend an event open to all persons and may accept any item or benefit available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or a rate available to similarly-situated members of the public by virtue or occupation, affiliation, age, religion, sex, or national origin.
8. The Chief Ethics Officer will provide clarification to employees about acceptance of gifts upon request.

(b) **Reporting Individuals and Procurement Employees:**

1. In accordance with section 112.3148(4), F.S., a reporting individual or procurement employee must not directly or indirectly accept a gift from a vendor, a lobbyist or a principal if s/he knows or reasonably believes that the value of the gift exceeds \$100. However, a reporting individual or a procurement employee may accept such a gift on behalf of a governmental entity or a charitable organization (e.g., the Corrections Foundation) provided that s/he does not maintain custody of the gift for any period of time beyond what is reasonably necessary to arrange for the transfer of custody and ownership of the gift.
2. In accordance with section 112.31485, F.S., a reporting individual or procurement employee, or a member of her/his immediate family, must not, directly or indirectly, knowingly accept any gift from a political committee.
3. In accordance with section 112.3215(6)(a), F.S., a reporting individual must not directly or indirectly accept any expenditure.

(c) **Enumerated Employees:**

1. Enumerated Employees must not accept any gift or expenditure from a lobbyist or the principal of a lobbyist, even if the gift is not being offered for the purpose of lobbying.

2. Enumerated Employees must not accept any otherwise allowable gift from a non-lobbyist if the gift could lead to impropriety or the appearance of impropriety as addressed in subsection (1) (Avoiding the Appearance of Impropriety), above.
3. Enumerated Employees must follow reporting and disclosure requirements of section 112.3148(8), F.S., for all gifts accepted.

(9) **DISCLOSURE OF FINANCIAL INTERESTS:**

(a) Because conflicts of interest can occur when public employees are in a position to make official decisions that could affect their personal financial interest, many employees are required to publicly disclose their personal financial interests. Such disclosure is intended to remind employees of their obligation to put their public duties above personal gain, and to help citizens of the State of Florida monitor those who spend their tax dollars, make important public policy decisions, and otherwise participate in the administration of state government.

(b) **Required Disclosures:**

1. All employees who are required to disclose their financial interests pursuant to section 112.3145, F.S., must file the following forms with the Commission on Ethics within 30 days of appointment and by July 1 of each year thereafter:
 - a. "Statement of Financial Interests," CE Form 1; and
 - b. "Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses," CE Form 10, if and only if the employee received a reportable gift or expense from a Direct Support Organization (for example, the Corrections Foundation) or a government entity during the previous calendar year while the employee held public office or employment.
2. On the last day of any calendar quarter following a calendar quarter during which a reportable gift is received, reporting individuals and procurement employees are required to file with the Commission on Ethics, "Quarterly Gift Disclosure (Gifts Over \$100)," CE Form 9. The disclosure must include:
 - a. the date the gift was received,
 - b. a description of the gift and its approximate value,
 - c. the name and address of the donor (if possible), and
 - d. a copy of any receipt for the gift provided by the donor.

(10) **UNAUTHORIZED COMPENSATION:** In accordance with section 112.313(4), F.S., employees must not accept, whether directly or indirectly through a spouse or minor child, any compensation, payment, or thing of value that the employee knows, or with the exercise of reasonable care should know, is given to influence the employee's official action.

(11) **USE OF PUBLIC POSITION:**

(a) In accordance with section 112.313(6), F.S., employees are prohibited from corruptly using or attempting to use their official position, any state or Department property or resource that is within their trust, or the performance of their official duties to obtain a special privilege, benefit, or exemption for themselves or any other person.

- (b) In accordance with Section 8(h)(2) of Article II of the Florida Constitution and Rule 34-18.001, F.A.C., every employee shall not abuse her/his public position in order to obtain a disproportionate benefit for her/himself; her/his spouse, children, or employer; or for any business with which s/he contracts; in which s/he is an officer, a partner, a director, or a proprietor; or in which s/he owns an interest.

(12) **DISCLOSURE OR USE OF CERTAIN INFORMATION:** In accordance with section 112.313(8), F.S., no current or former employee can disclose or use information not available to the general public and obtained by reason of her/his official position for her/his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(13) **DOING BUSINESS WITH THE DEPARTMENT:**

- (a) In accordance with section 112.313(3), F.S., no employee acting in her/his official capacity can directly or indirectly purchase, rent, or lease any realty, goods, or services for the Department from:
 - 1. any business entity for which the employee, the employee's spouse, or the employee's child, serves as an officer, partner, director, or proprietor; or
 - 2. any business entity of which the employee, the employee's spouse, the employee's child, or any combination thereof, owns more than a five percent interest.
- (b) In accordance with section 112.313(3), F.S., no employee acting in a private capacity can rent, lease, or sell any realty, goods, or services to the Department.

(14) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP:**

- (a) Any employee who accepts outside employment while employed by the Department or who is already employed upon initial employment with the Department must seek approval from the Department by completing a "Notification of Employment Outside State Government," DC2-831, in accordance with "Outside Employment," Procedure 208.013.
- (b) In accordance with section 944.38(1)(a), F.S., an employee may not directly or indirectly receive any compensation for any act or service that s/he performs on behalf of any employee or employee of a contractor.
- (c) In accordance with sections 112.313(7)(a) and 944.38(1)(b), F.S., an employee may accept outside employment and may follow any outside pursuit so long as that employment or pursuit does not:
 - 1. pose a continuing or frequently recurring conflict between her/his private interests and public duties; or
 - 2. impede the full and faithful discharge of her/his public duties.
- (d) In accordance with section 112.3185(2), F.S., an employee cannot be employed by a person contracting with the Department if the employee:
 - 1. participates in the decision-making process involving a purchase request related to the contract;
 - 2. influences the content of any specification or procurement standard related to the contract; or

3. renders advice, investigation, or auditing regarding the contract.
- (e) Employees whose official duties include contract management must disclose any current or previous relationship with a vendor and must disclose with whom the employee currently has business dealings or with whom they may have business dealings during the course of their employment with the Department.
 1. To further such disclosure, all employees, must complete CE Form 1 for the Department's use upon appointment to any position with contract management duties.
 2. Each employee exercising contract management duties must complete a "Conflict of Interest Questionnaire," DC2-5004, pursuant to Bureau of Procurement and Supply requirements, and must provide a copy of the CE Form 1 (when completed as required annually by the Ethics Commission) or the "Amendment to Form 1 Statement of Financial Interests," CE Form 1X (as necessary) to her/his supervisor.
 3. Each employee exercising contract management duties must ensure that any Local Contract Coordinator(s) involved with any contract under the employee's management completes a DC2-5004 and CE Form 1, for the Department's use.
 4. Each employee exercising contract management duties must ensure that any subordinate employee complete a DC2-5004 and CE Form 1 for the Department's use if that subordinate employee:
 - a. becomes involved in the development of any procurement (e.g., request for proposal, invitation to bid, etc.);
 - b. serves on any competitive procurement review or evaluation team;
 - c. becomes involved in the negotiation of contract terms; or
 - d. serves as a member of the program office contract monitoring staff.
 5. The employee holding contract management duties must ensure that:
 - a. the contract number is written on each completed form noted herein; and
 - b. each form is forwarded through the chain of command to her/his appropriate authority (Deputy Secretary, Chief of Staff, Inspector General, General Counsel, Assistant Secretary, or central office Director).
 6. The appropriate authority must:
 - a. review the forms and address all conflicts or potential problems;
 - b. ensure that copies of the forms are sent to the Bureau of Procurement and Supply for filing in the official contract file; and
 - c. advise the Contract Administrator of any necessary actions.
 7. Prior to a contract award when the vendor is unknown, an employee may be unaware of a potential conflict. In that case, the appropriate authority (Deputy Secretary, Chief of Staff, Inspector General, General Counsel, Assistant Secretary, or central office Director) will be responsible for re-evaluating potential conflicts after the bid process.

(15) **EMPLOYMENT OF RELATIVES (NEPOTISM):** In accordance with sections 112.3135(2)(a), 945.0311 F.S., and this procedure, an employee must not seek for a relative any appointment, employment, promotion, or advancement in the unit in which s/he is serving or over which s/he exercises jurisdiction or control. "Employment of Relatives," Procedure 208.046, addresses the employment of relatives within the Department. For the purposes of this anti-nepotism provision only, "relatives" refers to someone related to the employee as her or his 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.

(16) **POST-EMPLOYMENT RESTRICTIONS FOR SELECTED EXEMPT SERVICES AND SENIOR MANAGEMENT SERVICES EMPLOYEES:**

- (a) In accordance with section 112.313(9)(a)4., F.S., SES and SMS employees must not personally represent another person or business entity for compensation before the Department for a period of two years after leaving their positions, unless employed by another agency of state government.
- (b) In accordance with section 112.3185(3), F.S., following retirement or termination of employment, no former employee can be employed by or have a contractual relationship with any person or business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while an employee of the Department.
- (c) In accordance with section 112.3185(4), F.S., for two years after retirement or termination of employment, no former employee can be employed by or have a contractual relationship with any person or business entity (other than a public agency) in connection with a contract for services that was within her/his responsibility while serving as a state employee.

(17) **SENIOR MANAGEMENT SERVICES EMPLOYEES SERVING AS OFFICERS/DIRECTORS OF CORPORATIONS AND DUAL EMPLOYMENT:**

- (a) SMS employees must not serve as an officer or director of any for-profit or publicly held company.
- (b) Voluntary, pro bono services on behalf of non-profit organizations are permitted only so long as services to such organizations do not have the potential to create a conflict and do not impair the SMS employee's ability to fully and faithfully discharge her/his public duties.
- (c) SMS employees must not have any on-going dual employment, dual compensation, or contractual relationship that would create a continuing or frequently recurring conflict between her/his private interests and the performance of her/his public duties, or that would impede the full and faithful discharge of her/his public duties.

(18) **FREQUENT-FLYER MILES AND HOTEL POINTS EARNED THROUGH STATE-REIMBURSED TRAVEL:** As a matter of general policy, any frequent-flyer miles, bonus miles, or hotel points awarded to an employee as a result of state-reimbursed travel may be used for personal use by the employee.

(19) **CONFLICTS OF INTEREST:**

- (a) Employees with an immediate family member who is a lobbyist must disclose to the Chief Ethics Officer the names of all clients of such lobbyist. This is a continuing obligation, and

the employee must disclose to the Chief Ethics Officer any new lobbying clients retained by the immediate family member.

- (b) Such employees:
 - 1. must not participate in any matter that could result in a relative's special private gain or loss;
 - 2. must recuse themselves from any discussion, meeting, etc., involving clients of an immediate family member; and
 - 3. must see to it that any such matter is reassigned to another employee of the Department.
- (c) Where confidentiality requirements prohibit the public disclosure of the name of any inmate or offender, the Department will take the steps necessary to assure recusal of any employee with a potential conflict of interest.
- (d) Employees must not participate in any matter that they know would result in any special private gain or loss for the employee, or that the employee knows or should know would result in any special private gain or loss for any relative or related business entity.
- (e) Employees must not accept honoraria or any other thing of value (unless of nominal value) for speaking appearances or for articles written. However, employees may accept reimbursement of reasonably incurred associated expenses.
- (f) Aircraft and motor vehicles owned, leased, or operated by the Department are available for official state business only as authorized by the Secretary.

(20) ETHICS POLICY ADMINISTRATION:

- (a) The Bureau of Personnel will notify employees in designated positions of any requirement they have to file financial and gift disclosures.
- (b) Employees required to file financial and gift disclosures remain ultimately responsible for making sure the proper disclosures are filed.
- (c) Employees in the following positions are required to file disclosures:
 - 1. Secretary;
 - 2. Deputy Secretary;
 - 3. Chief of Staff;
 - 4. Assistant Secretary;
 - 5. Assistant Deputy Secretary;
 - 6. Director;
 - 7. Assistant or Deputy Director;
 - 8. Bureau Chief;
 - 9. Inspector General, Deputy Inspector General, Chiefs,
 - 10. General Counsel, Deputy General Counsel, Attorney Supervisor, or Assistant General Counsel serving as full-time employees;
 - 11. Warden or Director of any major state institution or facility established for corrections;
 - 12. Circuit Administrator;

13. Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators; and
14. Purchasing Agents (regardless of title) with the power to make purchases exceeding \$35,000.

(d) All financial and gift disclosure forms may be obtained from the Florida Commission on Ethics website at: www.ethics.state.fl.us.

(e) The General Counsel's Office will provide clarification to Department employees as needed regarding disclosure requirements and policies.

(f) Questions about ethics laws also may be addressed directly to the Florida Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709, (850) 488-7864.

(21) **PUBLIC RECORDS/SUNSHINE LAWS:** Questions about public records or open government laws may be addressed to the Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida, (850) 487-1963.

(22) **EMPLOYEE POLITICAL ACTIVITIES:**

(a) In accordance with sections 106.15(4) and 112.313(6), F.S., no employee shall make, solicit, or knowingly accept any campaign contribution in a government building or office. However, this prohibition does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.

(b) In accordance with section 104.31(4), F.S., nothing in this procedure prohibits an employee from expressing her/his opinion on any candidate or issue or from participating in any political campaign during the employee's off-duty hours, so long as those activities do not conflict with any other provisions of this procedure. Employees who choose to engage in campaign activities during normal business hours can only do so only on approved leave.

(c) In accordance with section 104.31(1), F.S., all employees retain the right to vote and are encouraged to vote.

(d) In accordance with sections 110.233(1) and (2), F.S., an individual's political opinion or affiliation will play no role in any employment decision regarding a Career Service employee.

(e) In accordance with section 110.233(4), F.S., Career Service employees must not take any active part in a political campaign while on duty or use the authority of her/his position to secure support for, or oppose, any candidate, party, or issue.

(f) In accordance with sections 104.31(1)(b), 110.233(5), and 112.313(6), F.S., no employee shall use any promise of reward or threat of loss to encourage or coerce, whether directly or indirectly, any employee to support or contribute to any political issue, candidate, or party.

(g) In accordance with sections 104.31(1)(a) and 112.313(6), F.S., no employee shall use her/his official authority to encourage or coerce, whether directly or indirectly, another person's vote in an election.

- (h) In accordance with sections 106.15(3) and 112.313(6), F.S., no employee, in furtherance of her/his candidacy for nomination or election to public office in any election, shall use the services of any other employee during working hours.
- (i) Employees must not use any state resources, including but not limited to, state computers, state printers, state copiers, state cell phones, or other materials for campaign or other political purposes.
- (j) In accordance with sections 104.31(2) and 112.313(6), F.S., no employee may participate in any political campaign for an elective office while on duty.
- (k) Employees who wish to campaign for or hold office must:
 - 1. comply with:
 - a. the Federal Hatch Act, 5 U.S.C. sections 1501-1508;
 - b. section 110.233, F.S.;
 - c. section 106.15, F.S.
 - d. chapter 60L-36, F.A.C.;
 - e. this procedure; and
 - f. "Request to Campaign or Hold Public Office," Procedure 208.044.
 - 2. notify the Office of Human Resources – HR Services in the central office of their intent to seek public office; and
 - 3. obtain all necessary approvals prior to announcing or qualifying for any elected position or office, engaging in any preliminaries such as canvassing or soliciting support, or doing or permitting to be done any act in furtherance of their candidacy.

(23) TELEPHONE, INTERNET, AND E-MAIL:

- (a) Personal long-distance calls must not be charged to state telephone numbers or accounts.
- (b) Employees must use a pre-paid calling card when using a state telephone for a personal long-distance call.
- (c) Except for unavoidable situations, employees must not use a state cellular phone for personal calls in accordance with "Cellular Device Attestation," Procedure 203.017. An employee who does use a state cellular phone for a personal call must reimburse the state for all related charges reflected on the cellular phone bill.
- (d) Employees may use state-provided Internet access for official purposes only.
 - 1. Employees must not use state-provided Internet access for any personal purpose, including, but not limited to:
 - a. online auctions; and
 - b. social networking.
 - 2. Employee use of the state-provided Internet access is recorded and can be monitored.
 - 3. Employees must not use state-provided Internet access to view pornographic or obscene materials.
 - 4. All employees must comply with "Internet Services," Procedure 206.004.

(24) **OBLIGATIONS OF DEPARTMENT ATTORNEYS AND OTHER PROFESSIONALS:**
Nothing in this procedure relieves any attorney from any obligation under the Rules Regulating the Florida Bar or other applicable rules regulating professional conduct, nor does anything in this procedure relieve any other licensed or certified professional from other applicable rules of professional conduct or ethics.

(25) **RECUSAL FROM OFFICIAL MATTERS:**

- (a) In accordance with the Ethics Manual issued by the Executive Office of the Governor effective July 1, 2019, enumerated employees shall consider their circumstances and recuse themselves from certain matters where prior dealings, finances, or personal relationships could lead to the appearance of impropriety.
- (b) Enumerated employees are encouraged to consult the Chief Ethics Officer when considering a recusal.
- (c) Any enumerated employee recusing themselves from an official matter must deliver their recusal in writing to:
 - 1. The Governor’s Office of General Counsel;
 - 2. The Director of Human Resources for the Department of Corrections, or designate;
 - 3. The Chief Ethics Officer for the Department of Corrections; and
 - 4. The enumerated employee’s supervisor.

(26) **REPORTING VIOLATIONS:** All ethics violations should be reported to the Chief Ethics Officer and should be reviewed for potential violation of statute, rule, policy or procedure, and, if applicable, reported to the Office of Inspector General.



Chief of Staff