

OFFICE OF INSPECTOR GENERAL



Ananth Prasad, P.E.
Secretary

Ethics Program Audit Report 11P-1002

May 11, 2011



Robert E. Clift
Inspector General

EXECUTIVE SUMMARY

The purpose of this engagement was to evaluate the Florida Department of Transportation's (department) implementation of the Office of the Governor's Executive Order Number 11-03, *Ethics and Open Government*. We also evaluated the design and effectiveness of the department's ethics-related objectives, guidance and activities. Additionally, we conducted a survey to evaluate the department's ethical climate and identified department ethics-related best practices.

To provide an overall assessment of the ethical environment in State of Florida government, the Governor's Chief Inspector General coordinated with agency inspectors general to conduct an evaluation of each agency's ethical climate. The Chief Inspector General will provide an enterprise roll-up report to the Governor.

Two findings resulted from our engagement activities:

Finding 1 – The department has substantially complied with the requirements of Executive Order 11-03 in the following areas:

- Reviewed and updated the department's Ethics Policy within the specified deadline;
- Designated a chief Ethics Officer;
- Made reasonable efforts to ensure that Executive Management¹ is familiar with relevant ethics, public records and open meeting requirements;
- Provided department Secretary with training on ethics, open meetings, records retention, equal opportunity and proper personnel procedures.

However, we identified one deficiency outlined in Finding 2.

We recommend the Ethics Officer work to continuously improve the department's ethics program.

¹ The Executive Management consists of the Secretary, Assistant Secretaries and Chief of Staff.

Finding 2 – The department has not implemented either an initial or annual ethics training program. Additionally, the department does not have a training program which fully addresses the topics covered in the Governor’s Code of Ethics: public records, open meetings, records retention, equal opportunity and proper personnel procedures.

The department’s Ethics Officer is developing a computer-based training (CBT) course solely on the subject of ethics, to be implemented by the end of May 2011. The Ethics Officer has indicated that this training will be required for all current department employees as well as new employees. We recommend the Ethics Officer ensure the CBT is implemented timely and training records are maintained.

Also, we recommend the Ethics Officer coordinate with executive management and appropriate offices to implement an annual training program on the subjects of public records, open meetings, records retention, equal opportunity and proper personnel procedures for department employees and maintain training records.

An Enterprise Ethical Environment Survey was sent to all department email addresses. We achieved a 33% response rate. Based on survey responses, the department’s ethical environment and climate is positive. For survey questions that required a positive or negative response regarding the department’s ethical environment, 86% responded positively. The responses to the questions regarding the timeframe in which respondents received training and management handling of unethical conduct could be improved. The department could increase positive responses in these areas by offering annual ethics training to department employees and improving the Ethics SharePoint site to provide ready and more complete access to the department’s ethics information.

We also identified the following best practices related to ethics that are currently implemented: Department Ethics Policy, New Employee Document/Receipt and Acknowledgement, Ethics SharePoint Site, District Ethics Contacts, Project Management Handbook and CBT, Office of Motor Carrier Compliance employee requirements and Integrity in Government Policy.

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BACKGROUND AND INTRODUCTION

Chapter 112, Part III, Florida Statutes is the state's statutory Code of Ethics. In January 2011, Governor Scott issued Executive Order 11-03, directing the immediate adoption and implementation of a revised Code of Ethics. This Code of Ethics imposes more stringent requirements than the previous Code. This Code applies to all employees within the Office of the Governor, as well as the secretaries, deputy secretaries and chiefs of staff of all executive agencies under the Governor's purview. It requires each executive agency secretary to designate a chief ethics officer. This individual is required to make reasonable efforts to ensure the employees responsible for adhering to this Code become familiar with relevant ethics, public records and open meeting requirements. Each agency was directed to implement any agency-specific adjustments within 45 days of the January 4, 2011, Executive Order.

The Department of Transportation's Ethics Policy (Topic Number 001-010-020) was updated in February 2011 to comply with Governor Scott's revised Code of Ethics. The Ethics Policy outlines several ethical principles to guide all employees and designates the Director of Administration as the department's Ethics Officer.

The department's Ethics Officer works closely with the Chief Safety Officer and Deputy General Counsel on ethics-related matters. The Ethics Officer has established ethics contacts in each district office. This structure is designed to provide employees consistent information on the interpretation of ethics-related issues. The ethics contacts in the districts respond to more basic inquiries and direct more complex questions or issues to the Ethics Officer.

New department employees are required to review the Ethics Policy and sign a pledge form attesting they received a copy, understood it and agreed to comply with the Ethics Policy. The Ethics Officer is currently creating a computer-based training (CBT) course to provide ethics training to all department employees on an annual basis. This training course is scheduled to be implemented by the end of May 2011.

To provide an overall assessment of the ethical environment in State of Florida government, the Governor's Chief Inspector General has coordinated with agency inspectors general to conduct an evaluation of each agency's ethical climate. A multi-agency audit team consisting of over 20 state agencies has undertaken this assignment. Each team will provide a report to their agency head. Based on findings and recommendations in agency reports, the Chief Inspector General will provide an enterprise roll-up report to the Governor.

In June 2009, the department's Office of Inspector General (OIG) published report 09P-0008 which evaluated the department's ethics program. We concluded that the department had many essential elements of an effective ethics program. At that time, some districts had supplemented the ethics program with in-depth training, reference materials and development of a CBT course. We determined the department's program

could be improved by ensuring all employees were trained and familiar with ethics requirements and contacts. We recommended the Ethics Officer:

- Add an annual training requirement to the Ethics Policy, provide ethics training for all department employees on an annual basis and maintain training records;
- Maintain ethics contact information; and
- Formalize the ethics program.

The purpose of this engagement was to evaluate the department's implementation of the Governor's Executive Order Number 11-03, *Ethics and Open Government*. We also conducted a survey to evaluate the department's ethical climate and identified department ethics-related best practices.

Our report contains three sections:

- Section 1 – Compliance: Governor's Code of Ethics
- Section 2 – Ethical Environment Survey
- Section 3 – Best Practices

SECTION 1 – COMPLIANCE: GOVERNOR’S CODE OF ETHICS

Findings and Recommendations:

In order to evaluate the department’s implementation of the Office of the Governor’s Executive Order Number 11-03, *Ethics and Open Government*, we:

- Analyzed the department’s Ethics Policy 001-010-020 (February 11, 2011) against the Governor’s Executive Order;
- Provided the Enterprise Ethics Compliance Questionnaire (Appendix 12) to the department’s Ethics Officer and conducted a review of the responses and documentation provided by the Ethics Officer; and
- Interviewed the department’s Ethics Officer.

Our findings and recommendations are detailed on the following pages.

Finding 1 – Governor’s Code of Ethics

Objective	Determine compliance with the Governor’s Code of Ethics and Executive Order 11-03.
Criteria	The Executive Office of the Governor’s Code of Ethics effective January 4, 2011.
Condition (Supporting Evidence)	<p>To meet the requirements of the Governor’s Code of Ethics, the department has:</p> <ul style="list-style-type: none">• Reviewed and updated the department’s Ethics Policy within the specified deadline;• Designated a chief Ethics Officer;• Made reasonable efforts to ensure that Executive Management² is familiar with relevant ethics, public records and open meeting requirements;• Provided the department Secretary with training on ethics, open meetings, records retention, equal opportunity and proper personnel procedures. <p>Portions of the Governor’s Code of Ethics did not apply since the department’s Executive Management Team did not serve as officers or directors on a non-governmental corporation, company, partnership or other entity nor did they have any on-going dual employment or dual compensation.</p>
Conclusion	The department has substantially complied with the requirements of Executive Order 11-03; however, we identified one deficiency outlined in Finding 2.
Recommendation	We recommend the Ethics Officer work to continuously improve the department’s ethics program.

² The Executive Management consists of the Secretary, Assistant Secretaries and Chief of Staff.

Finding 2 – Annual Training

Objective

Determine compliance with annual training requirements per the Governor’s Code of Ethics.

Criteria

The Governor’s Code of Ethics requires that the Ethics Officer make reasonable efforts to ensure that employees responsible for adhering to this code become familiar with relevant ethics, public records and open meeting requirements.

The Governor’s Code of Ethics requires that each agency secretary arrange training of his or her employees on an annual basis on the “subjects of ethics, public records, open meetings, records retention, equal opportunity and proper personnel procedures.”

Condition (Supporting Evidence)

The Ethics Officer has not established either an initial or annual ethics training program.

While the department has training on public records, open meetings, records retention, equal opportunity and proper personnel procedures, there is not a training program which ensures all employees receive initial or annual training on these topics as specified in the Governor’s Code of Ethics.

The department Ethics Officer is developing a CBT solely on the subject of ethics to be implemented by the end of May 2011. The Ethics Officer has indicated that this training will be required for all current department employees as well as new employees.

Conclusion

The Ethics Officer has not implemented either an initial or annual ethics training program.

Additionally, the department does not have a training program which fully addresses the topics covered in the Governor’s Code of Ethics: public records, open meetings, records retention, equal opportunity and proper personnel procedures.

Recommendation

We recommend the Ethics Officer ensure the CBT is implemented timely and training records are maintained.

We recommend the Ethics Officer coordinate with executive management and appropriate offices to implement an annual training program on the subjects of public records, open meetings, records retention, equal opportunity and proper personnel procedures for department employees and maintain training records.

Ethics Policy Considerations:

While not required by the Governor’s Code of Ethics, the department’s Ethics Officer should consider amending the department’s Ethics Policy to include a:

- Process for oversight and compliance for ethical behavior (procedures that detail the investigative process and provide enforcement policies over unethical behavior);
- Process for reporting ethics violations (procedures for department employees to report possible violations of ethics for review or investigation); and
- Mandate for reporting ethics violations by department employees.

The department’s Integrity in Government Policy (Topic Number 001-450-003) provides for the Office of Inspector General (OIG) to conduct investigations or audits involving allegations impacting the department. It also states department employees are responsible for reporting suspected wrongdoing to their supervisor and the OIG. Most ethical violations constitute misconduct and therefore, would be reportable under the Integrity in Government Policy. Those violations that are not misconduct should be reported to the Ethics Officer or the Florida Commission on Ethics.

The Ethics Officer should also consider amending the department’s Ethics Policy to direct employees who are aware of ethical violations which constitute misconduct to the Integrity in Government Policy and associated reporting requirements.

In addition, the Ethics Officer should consider including the following references in the Ethics Policy:

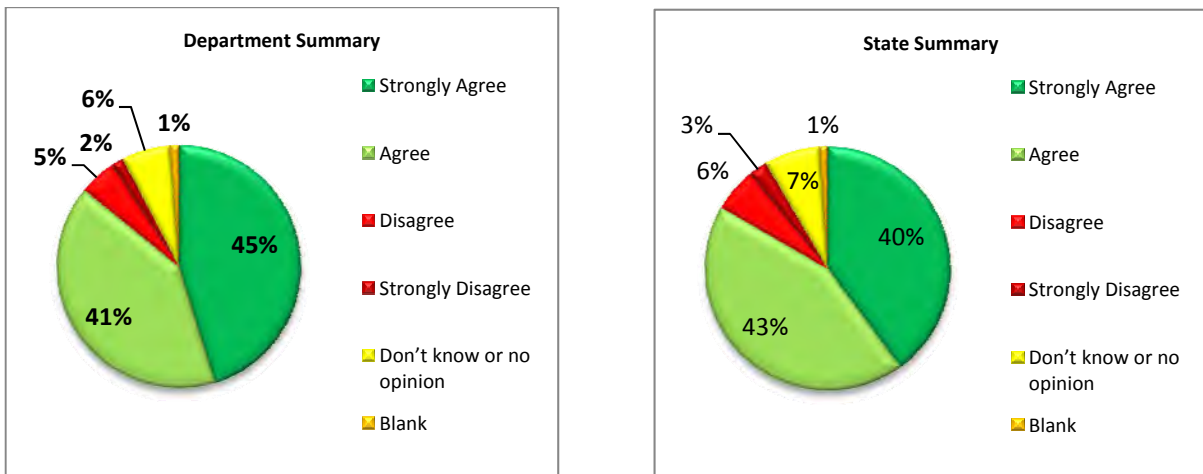
- Section 334.193, Florida Statutes, entitled “Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.”
- Section 334.195, Florida Statutes, entitled “Officers or employees of the department; conflicts of interest; exception; penalties.”
- Rule Chapter 60L-36.005, entitled “Disciplinary Standards”
- Topic Number 001-450-003, entitled “Integrity in Government Policy”

SECTION 2 – ETHICAL ENVIRONMENT SURVEY

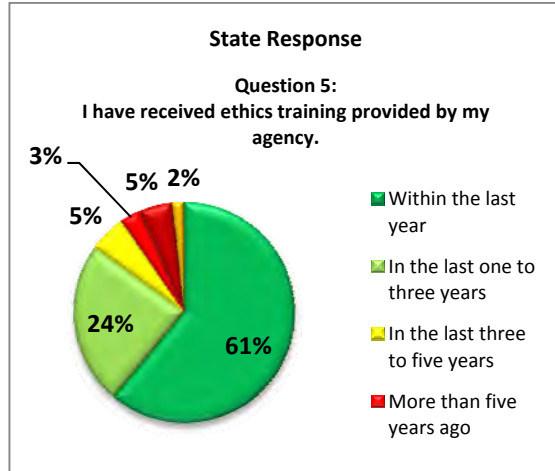
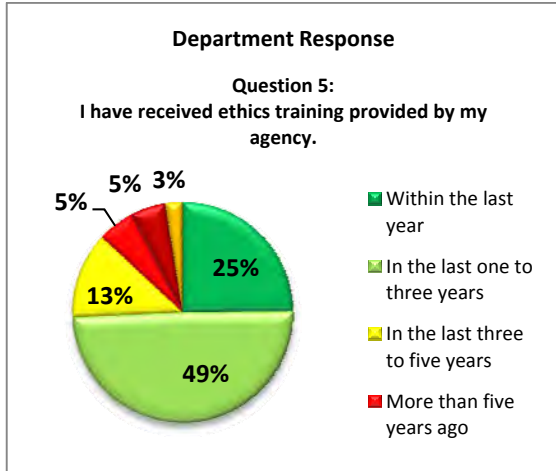
A multi-agency audit team developed an Enterprise Ethical Environment Survey to assess the ethical environment of each participating agency and the enterprise. On March 8, 2011, the Department of Transportation Inspector General sent all individuals with a valid department e-mail address a 13-question survey. The survey was closed to responses on Friday, March 11, 2011.

The survey was sent to 7,453 individuals including department employees, consultants and contractors. In total, there were 2,495 responses for a 33% response rate. The survey questions and detailed results are provided on page 12. All survey results are graphically represented in Appendix 14.

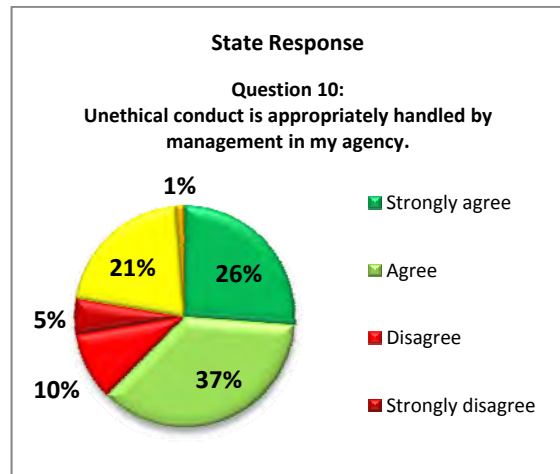
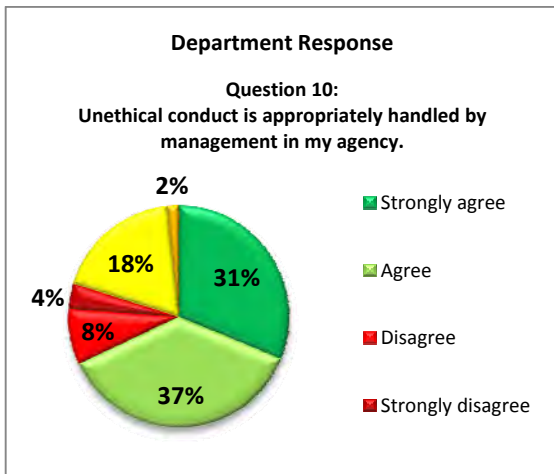
Based on survey responses, the department's ethical environment and climate is positive. For survey questions that required a positive or negative response regarding the department's ethical environment, 86% responded positively. As indicated by the following charts, the department's results are more positive than the state (83%).



Survey questions five and ten had responses which highlight department opportunities for improvement. Question five asked about the timeframe in which respondents received ethics training. Seventy-four percent (74%) of department respondents indicated they received ethics training within the last three years. This rate is 11 percentage points lower than the state-wide responses to the same question (85%). Charts depicting these results are on the following page.



Survey question 10 asked about management handling of unethical conduct. Sixty-eight percent (68%) of department respondents indicated that department management appropriately handled unethical conduct. The department's responses were more positive than the state-wide average of 63%. Charts depicting these results are provided below.



The department's Ethics Officer is in the process of developing and implementing an ethics CBT course and improving the Ethics SharePoint site to provide ready and more complete access to the department's ethics information. These actions should increase the department's positive responses to these questions.

**Florida Department of Transportation
Office of Inspector General**

The ethics survey questions and results are detailed below:

Question Number	Survey Question						
		Strongly Agree	Agree	Disagree	Strongly Disagree	Don't know or no opinion	Blank
1	My agency's senior management models and promotes ethical behavior.	48.14%	38.16%	4.01%	2.65%	6.21%	0.84%
2	My supervisor models and promotes ethical behavior.	59.36%	31.14%	4.25%	1.44%	2.93%	0.88%
3	My coworkers model and promote ethical behavior.	41.84%	46.33%	5.65%	1.64%	3.45%	1.08%
		Yes	No	Blank			
4	I know how to report suspected unethical behavior and fraud within my agency.	89.18%	7.86%	2.97%			
		Within the last year	In the last one to three years	In the last three to five years	More than five years ago	Never	Blank
5	I have received ethics training provided by my agency (choose the appropriate time period).	24.89%	49.38%	12.63%	5.41%	5.13%	2.57%
		Strongly Agree	Agree	Disagree	Strongly Disagree	Don't know or no opinion	Blank
6	I have been adequately trained by my agency to know what constitutes ethical and unethical behavior.	46.05%	42.93%	4.85%	0.96%	3.73%	1.48%
		Yes	No	Don't know or no opinion	Blank		
7	My agency has written ethical guidance, such as a code of conduct, policy and/or other guidelines.	88.70%	0.44%	7.45%	3.41%		
		Strongly Agree	Agree	Disagree	Strongly Disagree	Don't know or no opinion	Blank
8	My agency's ethical guidance, including code of conduct, policy and/or other guidelines, is clear and comprehensive.	41.80%	46.45%	3.29%	0.48%	6.97%	1.00%
9	I believe my agency has made clear my ethical responsibilities.	47.86%	43.13%	3.53%	0.60%	3.29%	1.60%
10	Unethical conduct is appropriately handled by management in my agency.	31.22%	36.79%	8.10%	3.73%	18.44%	1.72%
		Career Service	Selected Exempt Service	Senior Management Service	Other Professional Service (OPS)	Non State Employee (i.e. Consultant, Contractor)	Blank
12	Please select your position type:	58.24%	31.70%	1.48%	0.56%	4.17%	3.85%
		Less than one year	One to three years	Three to five years	Five to ten years	More than ten years	Blank
13	How long have you worked for the Agency:	4.13%	10.78%	11.94%	15.07%	54.27%	3.81%

Note: Question 11 was for comments.

SECTION 3 – BEST PRACTICES

In order to determine the department's best practices we used the following methods:

- Reviewed department ethics policies and procedures;
- Reviewed the previous department ethics advisory;
- Interviewed the department's Ethics Officer and Deputy General Counsel; and
- Identified any additional practices used to supplement the department's Ethics Policy.

We identified the following ethics-related department best practices.

1. Department Ethics Policy

All department employees are provided access to the department's Ethics Policy (Topic Number 001-010-020) on the Ethics SharePoint site and the Forms and Procedures Infonet site. The department's policy was updated on February 11, 2011.

2. New Employee Document/Receipt and Acknowledgement

The department provides all new employees the following ethics-related document:

- Ethics Policy and Pledge Form (Appendix 4) – This process documents the employee's commitment to the department's ethical conduct perspectives. The Ethics Policy and Pledge Form must be signed by new department employees.

In addition, employees are advised they are subject to and must read a number of items including the following:

- Department Employee Handbook (Appendix 5) – This document is a supplement to the State of Florida Workforce Employee Handbook and includes a section on ethical conduct, conflict of interest, outside employment and employment of relatives.
- Section 334.193, Florida Statutes, entitled "Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties."
- Section 334.195, Florida Statutes, entitled "Officers or employees of the department; conflicts of interest; exception; penalties." and
- Chapter 112, Florida Statutes, Part III, entitled "Code of Ethics for Public Officers and Employees."

3. Ethics SharePoint Site

At the direction of the department's Executive Board, the Ethics Officer maintains a link on the department's Infonet homepage which provides employees access to the Ethics SharePoint site. On the SharePoint site there are several documents which provide guidance to department employees regarding ethics. These documents are:

- Department Ethics Policy (Appendix 3);
- Guideline Information for Department of Transportation Ethics Policy (Appendix 8);
- Scenarios Under Current Ethics Interpretations (Appendix 9);
- Employment Scenarios (Appendix 10); and
- Agency Ethics Contacts (Appendix 11).

4. District Ethics Contacts

The Ethics Officer has established district ethics contacts. This structure is designed to provide employees consistent information on the interpretation of ethics-related issues. The ethics contacts in the districts respond to the more basic inquires and direct more complex questions or issues to the Ethics Officer. The ethics contacts list is available on the Ethics SharePoint site.

5. Project Management Handbook and Computer Based Training

The department's Project Management Office has developed a Project Management Handbook, applicable to both department employees and consultant project managers, which includes a chapter on ethics. The Project Management Office has also developed a CBT course on ethics in project management. The learning objectives for this CBT module are to:

1. Understand the ethical guidelines established by the department and in the Florida Statutes.
2. Know the department Project Manager's role in conducting business according to established ethical guidelines.
3. Know the Consultant Project Manager and contractor's role in maintaining the proper ethical standards while doing business with the department.
4. Understand the department's perspective on accepting gifts.
5. Know how to report unethical behavior.

The CBT is located on the department's Production Support Internet site.

6. Office of Motor Carrier Compliance employee requirements

The Office of Motor Carrier Compliance (OMCC) has established policy 1-2 (Appendix 17) which contains additional ethics requirements for their staff (including sworn law enforcement officers). Listed below are the requirements contained in this OMCC policy:

1. Each sworn member will sign the OMCC Oath of Office Form 775-A10-01 (Appendix 18) prior to being sworn.
2. Each sworn member is required to abide by the Law Enforcement Officer Code of Ethics.
3. Each department member shall receive training on the Governor's Code of

Ethics and Personal Responsibility.

7. Integrity in Government Policy

The Integrity in Government Policy (Topic Number 001-450-003), maintained by the OIG, provides guidance to department employees related to fraudulent activity impacting the department. It states all department employees are responsible for reporting suspected wrongdoing to their supervisor and the OIG.

ATTACHMENT 1 – Purpose, Scope and Methodology

The **purpose** of this engagement was to evaluate the department's implementation of the Office of the Governor's Executive Order Number 11-03, *Ethics and Open Government*. We also evaluated the design and effectiveness of the department's ethics-related objectives, guidance and activities in order to identify areas of potential weakness and best-practices that could be shared among all state agencies.

This engagement was conducted in accordance with *International Standards for the Professional Practice of Internal Auditing*, Standard 2110.A1, "The internal audit activity must evaluate the design, implementation, and effectiveness of the organization's ethics-related objectives, programs, and activities," published by the Institute of Internal Auditors.

The **scope** of the engagement was to evaluate department actions to design, communicate, monitor, promote and enforce ethical standards and policies applicable to its employees. The period reviewed was from January 2007 through March 2011, primarily focusing on recent actions.

The **methodology** included:

- Interviewing appropriate department personnel;
- Collecting and evaluating relevant documentation;
- Conducting a department-wide survey and analyzing the results; and
- Collecting best practices of the department's ethics program.

ATTACHMENT 2 – Management Response



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 6, 2011

Mr. Robert Clift
Inspector General
605 Suwannee St. MS 44
Tallahassee, FL 32399

RE: Response to Office of Inspector General Ethics Program Audit Report 11P-1002

Dear Inspector General Clift:

Thank you for your recommendations to strengthen the Department's Ethics Program. This is an extremely important Program for the Department and we are pleased to be part of the statewide review to evaluate the design and effectiveness of the Department's ethics-related program. To that end, the Department is always looking for innovative and best practices to improve the existing program. Following are the responses to each of your recommendations:

Office of Inspector General Recommendation to Finding 1: *We recommend the Ethics Officer work to continuously improve the department's ethics program.*

Department Response: The Department concurs with Finding 1 and is committed to continued improvements in its Ethics Program.

Office of Inspector General Recommendations to Finding 2: *We recommend the Ethics Officer ensure the CBT is implemented timely and training records are maintained.*

We recommend the Ethics Officer coordinate with executive management and appropriate offices to implement an annual training program on the subjects of public records, open meetings, records retention, equal opportunity and proper personnel procedures for department employees and maintain training records.

Department Response: The Department concurs with Finding 2. An Ethics Computer Based Training (CBT) program is being finalized for all Department employees. The CBT will be incorporated into the Department's Training System (TRESS). It is anticipated that the CBT will be finalized and available for utilization by Department employees before the end of June 2011.

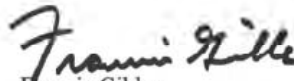
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Office of Inspector General**

Inspector General Clift
May 6, 2011
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The Ethics Officer partners with the Performance Management Office, which facilitates the Department's training program to examine the most appropriate options for implementing annual training on the subjects of ethics, public records, open meetings, records retention, equal opportunity and proper personnel procedures as well as maintenance of training records. These options will be coordinated with executive management and appropriate offices for implementation.

Sincerely,


Francis Gibbs
Chief of Staff

FG:lhv

ATTACHMENT 3 – Addressee and Distribution List

Ananth Prasad, P.E., Secretary of Transportation

Copies distributed to:

Francis Gibbs, Chief of Staff
Lora Hollingsworth, Assistant Secretary for Finance and Administration
Ruth Dillard, Ethics Officer/Director, Office of Administration
Debbie Hunt, Assistant Secretary for Intermodal Systems Development
Vacant, Assistant Secretary for Engineering and Operations
Marianne A. Trussell, Ethics Team Member/Chief Safety Officer
Jerry Curington, General Counsel
Bob Burdick, Ethics Team Member/Deputy General Counsel
Stan Cann, Secretary, District 1
Alan Mosley, Secretary, District 2
Tommy Barfield, Secretary, District 3
James Wolfe, Secretary, District 4
Noranne Downs, Secretary, District 5
Gus Pego, Secretary, District 6
Donald Skelton, Secretary, District 7
Gerry O'Reilly, Interim Executive Director, Florida's Turnpike Enterprise

David W. Martin, Auditor General
Attention: David Vick
Melinda Miguel, Chief Inspector General
Attention: Kim Mills

APPENDIX – References

Please see separate appendix for copies of the following documents:

1. Office of the Governor’s Executive Order Number 11-03 – Ethics and Open Government
2. Governor’s Code of Ethics
3. Department Ethics Policy – Topic Number 001-010-020
4. Department’s Ethics Policy and Pledge Form – Form No. 250-011-03
5. Department Supplement to State of Florida Workforce Employee Handbook
6. Sections 334.193 and 334.195, Florida Statutes
7. Department’s Integrity in Government Policy – Topic No. 001-450-003
8. Guideline Information for Department of Transportation Ethics Policy
9. Scenarios under Current Ethics Interpretations
10. Employment Scenarios
11. Agency Ethics Contacts
12. Enterprise Ethics Compliance Questionnaire
13. Enterprise Ethical Environment Survey Questions
14. Survey Results
15. Project Management Handbook and Computer-Based Training
16. New Employee Document/Receipt and Acknowledgement Form
17. Office of Motor Carrier Compliance Policy 1-2
18. Office of Motor Carrier Compliance Oath of Office Form – Form No. 775-A10-01

Florida Department of Transportation
Office of Inspector General

This report is respectfully submitted by:

Justin Evans
Justin Evans
Auditor

5/11/11
Date

Amy Furney
Amy Furney
Auditor-in-Charge

5/11/11
Date

Reviewed by:

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Kris Sullivan
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Date

Joseph K. Maleszewski
Joseph K. Maleszewski, CIA, CISA
Director of Audit

5-12-11
Date

Approved by:

Robert E. Clift
Robert E. Clift
Inspector General

5-12-11
Date

This engagement was conducted in accordance with applicable International Standards for the Professional Practice of Internal Auditing published by the Institute of Internal Auditors and Principles and Standards for Inspectors General published by the Association of Inspectors General.

The mission of the department is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities. Office of Inspector General conducts audits and reviews of department programs to assist the Secretary and other agency management and staff in fulfilling this mission.

Please address inquires regarding this report to Joe Maleszewski at 850-410-5506.

Copies of final reports may be viewed and downloaded via the internet at:

<http://www.dot.state.fl.us/inspectorgeneral>. Copies may also be obtained by telephone at 850-410-5800, by FAX at 850-410-5851, in person at 2740 Centerview Drive, Suite 3A, Rhyne Building, Tallahassee, Florida 32399-2100, or by mail at 605 Suwannee Street, Mail Station 44, Tallahassee, Florida 32399-0450.

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**APPENDIX 1 – Office of the Governor’s Executive Order Number 11-03
– Ethics and Open Government**

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 11-03 (Ethics and Open Government)

WHEREAS, a commitment to ethics and integrity in government is essential to maintaining the public trust; and

WHEREAS, on December 29, 2010, the Nineteenth Statewide Grand Jury filed with the Florida Supreme Court its First Interim Report regarding public corruption in Florida and recommending proposed solutions to address public corruption in all aspects of government, politics and business throughout Florida; and

WHEREAS, an open government in which decisions are made in a transparent manner is also imperative to preserving the public trust; and

WHEREAS, all Floridians have a right to know and have access to information with which they can hold government accountable for the management and expenditure of taxpayer dollars;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. I hereby direct the immediate adoption and implementation of a revised Code of Ethics applicable to the Office of the Governor. This revised Code of Ethics applies to all employees within the Office of the Governor, as well as the secretaries, deputy secretaries, and chiefs of staff of all executive agencies under my purview. As with its predecessor, this Code of Ethics imposes clear, understandable standards that often go beyond the statutory Code of Ethics

set forth in Chapter 112, Part III, Florida Statutes. However, this revised Code of Ethics imposes more stringent requirements than the Code it revises.

I hereby designate my General Counsel to act as the chief ethics officer for the Office of the Governor. Each agency secretary is directed to designate an individual at his or her agency to act as the agency's chief ethics officer. The agency's ethics officer will make reasonable efforts to ensure that the employees responsible for adhering to this revised Code become familiar with relevant ethics, public records and open meeting requirements.

Each agency secretary is further directed to review and evaluate the current policies adopted at his or her agency in light of this revised Code, with a view to using this revised Code as a standard for his or her agency, adjusted for the program requirements and variables unique to his or her agency. Agency secretaries are directed to implement any agency-specific adjustments to the Code within forty-five (45) days of the date of this Order.

I further direct my Chief Ethics Officer to periodically review and evaluate the revised Code. The purpose of this periodic review shall be to develop further recommendations as necessary or appropriate to assure that we maintain and effectively enforce the highest ethical standards for state officials and employees, and promote consistency of state agency policies on ethics, public records, open meetings and personnel matters.

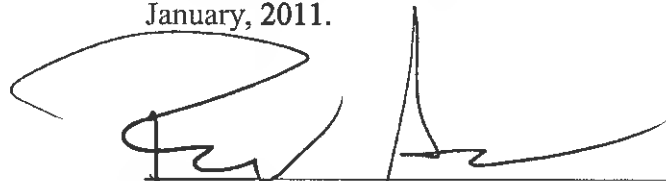
Section 2. I hereby direct my Special Counsel, in conjunction with my Chief Ethics Officer, to review the Statewide Grand Jury's December 29, 2010 First Interim Report addressing public corruption in Florida and recommend a plan for implementing all or certain of, as advisable, these recommendations either through executive action, or through legislative proposals seeking necessary statutory modifications.

Section 3. I hereby re-establish the Office of Open Government previously established in Executive Order 07-01, and reaffirm this administration's commitment to the proper functioning of such Office. The Office will (1) facilitate Floridians' right to know and have access to information with which they can hold government accountable, (2) establish and maintain a website providing ready access to accountability information, (3) continue to assure full and expeditious compliance with Florida's open government and public records laws, and (4) provide training to all executive agencies under my purview on transparency and accountability. The Office will also have primary responsibility for ensuring that the Office of the Governor complies with public records requests in an expeditious manner.

Section 4. All state agencies under the direction of the Governor are hereby directed, and all other state agencies are hereby requested, to provide such assistance to the individuals carrying out the directions in this Executive Order as may be requested from time to time in furtherance of the principles herein stated.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 4th day of January, 2011.


GOVERNOR

ATTEST:


SECRETARY OF STATE

APPENDIX 2 – Governor’s Code of Ethics

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

EFFECTIVE AS OF JANUARY 4, 2011

Policy Statement

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

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

Pledge on Behalf of the People of Florida

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

Name:

Date:

I. General Provisions

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

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

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

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

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

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

II. Designation of an Ethics Officer

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

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

III. Avoiding the Appearance of Impropriety

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

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

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

IV. Current Statutory Code of Ethics

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Prerequisites to Accepting Any Gift

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

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

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

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

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

C. Indirect Gifts and Expenditures Prohibited

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

D. Travel in Private Aircraft Prohibited Without Prior Authorization

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

E. Guidelines for Compliance with Section 112.32155 and this Code

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

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

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

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

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

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

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

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

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

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

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

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

F. Reporting / Disclosure Requirements

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

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

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

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

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

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

VI. Additional Requirements of this Code

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

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

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

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

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

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

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

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

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

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

C. Dual Employment

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

D. Lobbyists

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

E. Conflicts of Interest and Avoiding the Appearance of Impropriety

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

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

F. Application for Exemptions

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

VII. Policy Administration

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

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

APPENDIX 3 – Department Ethics Policy – Topic Number 001-010-020



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

POLICY

Effective: February 11, 2011
Office: Director of Administration
Topic No.: 001-010-020-g

ETHICS POLICY

The Department of Transportation (Department) recognizes the importance of maintaining high ethical standards among its employees. The public expects its government officials to conduct the State's business in an ethical, honest, and open manner.

In support of the ***Governor's Code of Ethics*** to maximize honesty, ethical conduct, and openness in government decision making, the Department is adopting ethical standards and requirements to apply to all employees. These standards and requirements hereby incorporate the guidance in the ***Code of Ethics*** which was effective as of January 4, 2011. They are to be applied to the maximum extent practicable in concert with ***Chapter 112, Florida Statutes (F.S.)***, and applicable rules, policies, and procedures. As required by the ***Code of Ethics***, the following is implemented within the Department:

- The Department's Director of Administration will serve as the Department's Ethics Officer and make reasonable efforts to ensure employees are familiar with this Policy, including annual training for employees as required by the ***Governor's Code of Ethics***.

All employees shall be guided by the following ethical principles:

- No employee may accept a benefit of any sort under circumstances in which it could reasonably be inferred that the benefit was intended to influence a pending or future decision of theirs, or to reward a past decision. Employees should also avoid any conduct (whether in the context of business, financial, or social relationships) that might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

- No employee may solicit any gift from any lobbyist, principal of a lobbyist, or any person or company doing business with the Department or seeking to do business with the Department. No employee may solicit any gift from a non-lobbyist/principal, regardless of its value, if the gift is for the personal benefit of the employee, his/her family, or another employee. Employees have limited exceptions for charitable solicitations provided the gift would fall within the limited exceptions noted in the **Chapter 112, F.S.** or the **Governor's Code of Ethics**.
- No employee may accept anything of any value from a lobbyist, lobbyist's principal, or any person or company doing business with the Department or seeking to do business with the Department, regardless of whether the thing is being offered or given for the purpose of lobbying. Information on lobbyists and principals can be found at (<http://www.leg.state.fl.us>). Employees with relatives who are lobbyists, principals of lobbyists, vendors doing business with or seeking to do business with the Department, should consult with the Department's Ethics Officer on how to address this situation.
- No employee may accept anything of value from a non-lobbyist unless the thing of value falls within the following limited exceptions:
 - Gifts (regardless of value) from relatives (items received from relatives are excluded from the statutory definition of "gift") - unless the relative is a lobbyist or the principal of a lobbyist, in which case the general prohibition on gifts from lobbyists applies. Employees who are married to or involved in a personal relationship with a lobbyist or the principal of a lobbyist should consult with the Ethics Officer on how to address this situation.
 - Gifts (regardless of value) received from personal friends in the ordinary course of friendship (including but not limited to birthday and/or anniversary gifts and gifts of hospitality), can be accepted, provided that any such personal friend is **not**:
 - (a) a lobbyist; or
 - (b) the partner, firm, member, employer, employee or principal of a lobbyist; or
 - (c) a person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Department; or
 - (d) a person who (either individually or through a corporation or organization) provides goods or services to the Department under contract or agreement; or
 - (e) a person who (either individually or through a corporation or organization) is seeking such business from the Department.
 - On-site consumption of food and refreshment at receptions and/or other events, provided the employee's attendance at such event is an appropriate

exercise of the employee's official duties, unless the food and refreshments at such event are paid for by a lobbyist, principal of a lobbyist, or a vendor doing business or seeking to do business with the Department.

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

NOTE: These limited exceptions permitting the acceptance of certain gifts do not, and are not intended to, permit the acceptance of any gift that is otherwise prohibited by *Chapter 112, F.S.*

There is no gift or expenditure if the employee reimburses the other person for the cost of the item. Generally, this is measured as the cost of the item to the person providing it. In the case of lobbyists, principals, vendors doing business with the Department, or seeking to do business with the Department, the cost is the actual value of the item (such as face value of the admissions ticket, etc.), even if the item is obtained at no cost. While a membership fee required to use a golf course, tennis club, dining club or other private facility is not part of the reimbursable cost, the per ticket additional cost above the face value for seating at a skybox or other exclusive seating area at a sporting or theatrical venue is part of the reimbursable cost and must be included. ***Section 112.3148(7), F.S.*** and ***Rules 34-13.210 and 34-13.500, Florida Administrative Code*** provide rules on how to value gifts and should be consulted when making payment for an event or item that otherwise would be prohibited absent payment of consideration. For purposes of this Policy, the payment must be contemporaneous with or precede the receipt of the item or attendance at the event

- No employee shall take an honorarium or any other thing of value for speaking appearances or articles written.
- An employee may accept an award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or

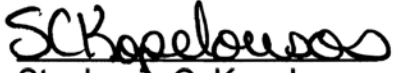
professional service, if the item has no separate commercial value and the Ethics Officer has approved such acceptance.

- No employee may travel in a private aircraft for Department business without obtaining prior authorization from the Ethics Officer.
- No employee may have any on-going dual employment or dual compensation without prior approval.
- Any employee who is arrested or charged with any criminal violation, including Driving Under the Influence (DUI), shall notify their immediate supervisor by the end of the third working day following the occurrence. The supervisor will ensure that the District Director of Transportation Support/Administration is notified. Selected Exempt Service (SES), Senior Management Service (SMS) and Motor Carrier Compliance Office (MCCO) employees have additional requirements as adopted below.
- Any employee convicted of or who enters a plea of nolo contendere to a criminal offense relating to the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, or other drug related criminal sanction, shall be dismissed. Any employee convicted of other misdemeanor or felony crimes may be considered for dismissal based on the nature of the offense. Conviction means a plea of guilty, no contest, or nolo contendere, or a finding of guilt, whether or not adjudication is withheld, in any federal or state court. Notification shall be made to the supervisor by the end of the first working day after the conviction.

The following standards have been adopted for specific employees. They are as follows:

- The Secretary, Assistant Secretaries, District Secretaries, the Executive Director of the Florida Turnpike, the Executive Director of the Florida Rail Enterprise, and the Chief of Staff shall not serve as an officer or director of any private, public, for-profit or not-for-profit company unless prior approval has been granted by the Secretary and the Governor's general counsel.
- Assistant Secretaries, District Secretaries, the Executive Director of the Florida Turnpike, the Executive Director of the Florida Rail Enterprise, and the Chief of Staff whose immediate relatives (spouse, siblings, parents, children) are lobbyists will, at least quarterly, disclose to the Department's Ethics Officer the names of all clients of such lobbyists. These employees will not participate in any matter that would contribute to the relative's special gain or loss, and will recuse themselves from discussions/meetings etc., involving clients of their immediate relatives.

- Drug tests will be conducted for any employee appointed as an Assistant Secretary, District Secretary, Executive Director of the Florida Turnpike, or Executive Director of the Florida Rail Enterprise.
- Any MCCO employee who is charged or becomes aware that he/she will be charged in a criminal case shall notify his/her immediate supervisor immediately. Notification to the Director of MCCO shall be made through the chain of command.
- Any SMS or SES employee who is arrested for the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or who is arrested for driving under the influence of alcohol, on or off the job, shall notify his/her immediate supervisor by the end of the first working day following the occurrence. The supervisor will ensure that the Department's Ethics Officer is notified.
- Any SMS or SES employee convicted of a misdemeanor or felony crime shall notify his/her immediate supervisor by the end of the first working day following the conviction. The supervisor shall ensure the Department's Ethics Officer is notified. Conviction means a plea of guilty, no contest, or nolo contendere, or a finding of guilt, whether or not adjudication is withheld, in any federal or state court.


Stephanie C. Kopelousos
Secretary

**APPENDIX 4 – Department Ethics Policy and Pledge Form – Form No.
250-011-03**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ETHICS POLICY AND PLEDGE FORM

1. I have been provided with a copy of Florida Department of Transportation's ***Ethics Policy, No. 001-010-020.***
2. I understand that, by holding a position within state government, I have taken on the privilege and responsibility of public service.
3. I am committed to maintaining an honest, ethical, and open system of government for the people of Florida.
4. I therefore pledge to honestly and faithfully comply with both the letter and spirit of the Ethics Policy, as well as the requirements set forth in ***Chapter 112, Part III, Florida Statutes***, in the discharge of my duties and responsibilities as a public servant. As part of this commitment, I pledge to be on guard against and to avoid the appearance of impropriety in conducting the people's business.
5. I further pledge that, should questions regarding appropriate behavior arise, I will seek guidance from the Director of Administration, Ethics Officer, on how to resolve the matter in question.

Employee's Signature

Date

Employee's Printed Name

Witness Signature

Date

**APPENDIX 5 – Department Supplement to State of Florida Workforce
Employee Handbook**

The Florida Department of Transportation

**Supplement to State of Florida
Workforce**

Employee

Handbook



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We do not have an official dress code. However, we expect our employees to be neat, clean, and of good appearance and dressed in a manner appropriate to their level of responsibilities and required work contacts. Your job may require that you wear other certain types of clothing or gear for health, safety, or security reasons. In any case, you must dress appropriately for the type of work you perform. Your supervisor will advise you in this matter.

Hairstyles, wigs, beards, moustaches, sideburns, and other grooming effects are a personal matter unless your job performance is affected or otherwise suffers because of them, or it becomes a safety issue.

Misuse Of State Property, Service, Equipment, Or Personnel

The misuse of any State property, services, vehicle, equipment or personnel for any reason is prohibited. This includes, but is not limited to abusing State owned personal computers (PCs) or electronic mail (E-mail); loading, running or storing non-DOT owned software into a State owned PC; making personal long distance calls chargeable to the State; abusing State owned cellular phones; State property such as copy machines; abusing State vehicles; or directing state employees to perform non-work related activities or run errands on State time. The responsible employee(s) may be required to reimburse the Department for the cost incurred by the Department as a result of the unauthorized use of any State property, services, vehicle, equipment or personnel as well as facing discipline up to dismissal.

Note: The loading, running or storing of pornographic materials or gambling pools on a State owned computer are sufficient grounds for immediate dismissal.

These and other requirements can be found in the Department's [Use of Electronic Mail and the Internet 001-325-006](#) and [Use of Copy/FAX Machines 001-010-011](#) policies:

Ethical Conduct, Conflict Of Interest, Outside Employment, And Employment Of Relatives

Because of the importance of these subjects, they are covered in detail by the *Code of Ethics for Public Officers & Employees* contained in Chapter 112, Part III of the Florida Statutes. In addition, FDOT employees are also governed by the ethical provisions contained in Sections [334.193](#) and [334.195](#), of the Florida Statutes. **It is the responsibility of each employee to review these ethical conduct statutes carefully. The links to these statutes are available on the Personnel Homepage.** Any questions you may have should be addressed to your supervisor or the General Counsel's Office.

The ethical conduct statutes cited above establishes the policy for Department employees regarding conflicts of interest which may result from their soliciting or accepting gifts, gratuities or unauthorized compensation; outside employment; using one's position; personal contractual relationships; using or giving information; or procuring and delivering contractual services or work.

Employees are expected to honor the ethical obligations inherent in public service. These obligations go beyond mere legal obligations and demand from the employee a greater sensitivity to his or her conduct, as well as the public's perception of such conduct.

Each employee must use the powers and resources of the Department entrusted to them to further the public interest, and not for any personal or financial benefit.

Employees must safeguard their ability to make objective, fair and impartial decisions. Therefore, employees cannot accept benefits, which could be viewed by a reasonable observer, to have been given to influence a pending or future decision. In all situations, employees are expected to make decisions and take appropriate actions, which maintain proper and professional relationships with members of industry and the public.

Employees who are uncertain as to whether any anticipated personal action, dealing, or contractual relationship complies with applicable statutes or the provisions of this rule should submit the details in writing, for review and advisory opinion.

Nepotism

Employees of the Department are expected to conduct themselves, in regard to the restrictions on employment of relatives, in accordance with the below-cited subsections of [Section 112.3135](#) of the Florida Statutes:

"(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 he is serving or over which he 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 . . ."

(b) Mere approval of budgets shall not be sufficient to constitute 'jurisdiction or control' for the purposes of this section."

"Public official" means an employee of the Department 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.

In so far as employment of relatives and nepotism is concerned, "relatives" includes one or more of the following:

Spouse	First Cousin		
Father	Father-in-Law	Step-Father	Uncle
Mother	Mother-in-Law	Step-Mother	Aunt
Son	Son-in-Law	Step-Son	Nephew
Daughter	Daughter-in-Law	Step-Daughter	Niece
Brother	Brother-in-Law	Step-Brother	Half-Brother
Sister	Sister-in-Law	Step-Sister	Half-Sister

Political Activities

Our employees are encouraged to register and vote their preferences during elections. This is an exercise of constitutional rights and citizenship. However, other political activities on your part may be limited while you are employed with the Department. The Federal Hatch Act and Florida Law provide for such restrictions. Should you need information about these laws, ask your Personnel

APPENDIX 6 – Sections 334.193 and 334.195, Florida Statutes

Florida Statutes

334.193 Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.—

(1) It is unlawful for a state officer, or an employee or agent of the department, or for any company, corporation, or firm in which a state officer, or an employee or agent of the department has a financial interest, to bid on, enter into, or be personally interested in:

- (a) The purchase or the furnishing of any materials or supplies to be used in the work of the state.
- (b) A contract for the construction of any state road, the sale of any property, or the performance of any other work for which the department is responsible.

(2) Any person who is convicted of a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#), and shall be removed from his or her office or employment.

History.—s. 24, ch. 84-309; s. 487, ch. 95-148.

334.195 Officers or employees of the department; conflicts of interest; exception; penalties.—

(1) Except as provided in subsection (2), no state officer or employee of the department shall directly or indirectly solicit or accept funds from any person who has, maintains, or seeks business relations with the department.

(2) The provisions of this section do not apply to the solicitation of funds for charitable purposes, including, but not limited to, such organizations as the United Fund, Heart Fund, or American Red Cross.

(3) A violation of the terms of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#), and subjects the officer or employee violating its provisions to removal from his or her office or employment.

History.—s. 1, ch. 70-123; s. 235, ch. 71-136; s. 25, ch. 84-309; s. 488, ch. 95-148.

Note.—Former s. 337.045.

**APPENDIX 7 – Department Integrity in Government Policy – Topic No.
001-450-003**



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

POLICY

Effective: June 18, 2009
Office: Inspector General
Topic No.: 001-450-003-a

INTEGRITY IN GOVERNMENT

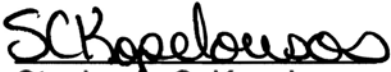
The Florida Department of Transportation (Department) embraces the public's right to honest state government. The Department will always strive to protect public money and property and maintain a high level of awareness to indicators of fraud or other criminality impacting the Department. Any attempt by Department employees, members of the public, contractors, subcontractors, or others to use their association with the Department to gain a financial or other benefit to which they are not properly entitled will be investigated promptly and appropriate action will be pursued.

The Office of the Inspector General is responsible for advising on and enforcing appropriate controls and procedures for deterring and detecting wrongdoing pursuant to **Section 20.055(2), Florida Statutes**. The Department will conduct, supervise, or coordinate activities aimed at the detection and prevention of possible fraudulent activity pursuant to **Section 20.055(2)(e), Florida Statutes**.

The Office of the Inspector General is responsible for conducting internal and external investigations or audits involving allegations of fraudulent activity impacting the Department. If an investigation or audit indicates potential criminal violations the Office of the Inspector General will notify and cooperate with the appropriate law enforcement or prosecutorial agencies pursuant to **Section 20.055(6)(c), Florida Statutes**. The Office of the Inspector General shall submit to the Secretary final reports on investigations conducted pursuant to **Section 20.055(6)(f), Florida Statutes**.

The Department will not tolerate or condone any attempt to conceal fraud or other illegal acts. All Department employees are responsible for reporting suspected wrongdoing to their supervisor and the Office of the Inspector General. Department managers who receive reports of suspected wrongdoing will inform the Office of the Inspector General. No Department employee will retaliate against another employee, contractor, or consultant for making a report of suspected wrongdoing.

The Office of the Inspector General has a toll-free "Hotline" available to facilitate the reporting of possible wrongdoings (800-255-8099). Reports of suspected wrongdoing may also be submitted through the use of an automated web-based complaint form available at the Inspector General's link on the Department's Internet or Intranet web sites.


Stephanie C. Kopelousos
Secretary

**APPENDIX 8 – Guideline Information for Department of Transportation
Ethics Policy**

Guideline Information for Department of Transportation Ethics Policy

1. The Florida Department of Transportation's (FDOT) Ethics standards and requirements apply to all employees to the maximum extent practicable. Staff of the Florida Transportation Commission, Florida Transportation Disadvantaged Commission and the Metropolitan Planning Office Advisory Council shall follow their own Ethics Guidance.
2. Florida's Code of Ethics can be found in Chapter 112, Part III, Florida Statutes. In addition to FDOT's Ethics Policy, compliance with the Florida Statutes is required.

It is every FDOT employee's responsibility to be familiar with this information and to ask questions if unsure of something. The kinds of things employees might have questions about are:

- What are the restrictions on employees doing business with FDOT?
 - What is unauthorized compensation or payment?
 - What gifts can be taken and what has to be reported?
 - What are the restrictions on employment activities after leaving FDOT?
 - What is nepotism?
 - What are financial disclosure requirements?
 - What are the protections for "whistle-blowers"?
3. Many issues employees confront are not straight forward, but unique, and may require some interpretation and research. Employees should feel open to ask all questions they may have. Employees who have questions about specific scenarios can contact their supervisor, Personnel Officer, Director of Transportation Support/Administration, and the agency's Ethics Officer who is Ruth Dillard, the Department's Director of Administration. In addition, they may contact the Florida Commission on Ethics if a formal opinion is desired or required.
 4. Employees should note that any mention to "relatives" in the Code of Ethics mirrors the definition in Chapter 112, Part III, Florida Statutes: this is an *individual who is related to an employee as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the employee or who otherwise holds himself or herself out as or is generally known as the person whom the employee intends to marry or with whom the employee intends to form a household, or any other natural person having the same legal residence as the employee.*
 5. EVERY Florida Department of Transportation employee is expected to protect their ability to make objective, fair and impartial decisions. To stay in the position of

being impartial and also appearing impartial, no employee may accept a benefit of any sort under circumstances in which the benefit was intended to influence a pending or future decision of theirs, or to reward a past decision.

Whenever possible, employees should also avoid any conduct (whether in the context of business, financial or social relationships) that might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

6. All employees are required to observe all of the Department's gift restrictions and are prohibited from accepting anything of value from a lobbyist. These specifically include:
 - No employee may solicit any gift from a lobbyist or a lobbyist's principal, regardless of its value, if the gift is for the personal benefit of themselves, their family, or another employee. There are some limited exceptions for being able to solicit gifts from lobbyists. See Number 16 which deals with solicitation exceptions.
 - No employee may accept anything of any value from a lobbyist or a lobbyist's principal, regardless of whether the thing is being offered or given for the purpose of lobbying. There are some limited exceptions for being able to accept gifts from lobbyists, but these exceptions are even more limited than those for soliciting gifts. See Number 8 which deals with acceptance of gifts from lobbyists who are relatives and Number 16 which deals with FSECC exceptions.
7. A "lobbyist" is defined in 112.3215, Florida Statutes. Further information can be found at 112.3215(1)(f) and 112.3215(1)(h), Florida Statutes.

It is someone who works for payment for a person or firm. Their job is to influence an agency. The influence to the agency can be on a number of different issues. It could be a decision the agency will be making in the area of policy or procurement or it can be to just obtain the good will of an agency official or an agency employee. Employees should understand that seeking the good will of the agency or influencing a decision that is being made is broad under the statute. The lobbyist does not have to be trying to influence the actual employee making the decision. If the individual is interacting with any employee in the agency that individual is a lobbyist and gifts cannot be taken from the individual.

Registered lobbyists can be found at <http://www.leg.state.fl.us>. However, employees should also be aware that the prohibition also extends to not being allowed to take items from firms or individuals that should be registered.

8. Acceptance of Gifts from Family Members who are Lobbyists – In general, employees must observe the same rule restrictions when it comes to accepting gifts

from relatives who are lobbyists. Employees who are married to or involved in a personal relationship with a lobbyist or the principal of a lobbyist should contact the Ethics Officer about specific questions on receiving gifts.

9. Non-lobbyists - The Ethics Code also requires that no employee may accept anything of value from a non-lobbyist unless the thing of value falls within the limited exceptions as noted in the Code of Ethics.

This portion of the Ethics Code covers what an employee is or is not able to take from any one or any company that does not fall into the category of lobbyist or vendor doing business with the Department.

If an employee is offered a gift and it is not from a lobbyist, principal of a lobbyist, vendor doing business with the Department or vendor attempting to do business with the Department, the gift cannot be taken unless it is within limited exceptions. The exceptions generally relate to gifts received from non-lobbyists who are relatives or friends in the ordinary course of friendship, such as for birthdays, anniversaries, housewarmings, weddings and graduations.

10. A “gift” is defined as:

“ . . . anything accepted by a person or on that person’s behalf, whether directly or indirectly, for that person’s benefit, and for which no payment is made. A “gift” can include real property or the use of the real property; tangible or intangible personal property or the use of the personal property; a preferential rate or terms on a transaction not available to others in a similar situation; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.”

A “gift” or “expenditure” does not include (1) salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient’s employment; (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 by someone other than a lobbyist or principal of a lobbyist to a Reporting Individual; (4) an award, plaque, certificate or similar personalized item given in recognition of the recipient’s public, civic, charitable or professional service, provided that such item has no separate commercial value; (5) an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; (6) the use of a public facility or public property, made available by a governmental agency, for a public purpose; (7) transportation provided to a public officer or employee by an agency in relation to officially approved governmental business; (8) anything of value provided directly or indirectly by a

state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or officials or staff of a governmental agency that is a member of that organization.”

11. A “principal” as it relates to the Ethics Code is defined as: The person, firm, corporation, or other entity which has employed or retained a lobbyist. [See <http://www.leg.state.fl.us>] Pursuant to Section 112.3215(1)(i), Florida Statutes.
12. A “reporting individual” is defined as: An employee required to file a full or limited financial disclosure pursuant to Section 8, Article II of the Florida Constitution or Section 112.3145, Florida Statutes.
13. Procurement Employees – Employees who participate in any way in procuring items or services of \$1000 or more per fiscal year. See 112.3148(2)(e), Florida Statutes for more information.
14. The Ethics Policy prohibits an employee from having any ongoing dual employment or dual compensation without prior approval. Employees should be aware that there is a difference between “dual employment” and “secondary employment”.

A. Dual Employment

I. Employment in more than one Career Service (CS), Selected Exempt Service (SES), Senior Management Service (SMS) or Other Personal Service (OPS) position with one or more State Personnel System agency; or

Compensation of an employee simultaneously from any appropriation other than appropriations for salaries by one or more agencies in the State Personnel System; or

Compensation of an employee simultaneously by more than one state agency within the State Personnel System or state employer as defined in this Section.

II. State Employer - For the purposes of this guideline, the following state government entities are considered to be separate employers:

- a. State Personnel System
- b. State University System
- c. Florida Lottery
- d. Florida Legislature
- e. Justice Administration
- f. State Courts System

III. All employees seeking dual employment must get approval from the Agency's Chief Personnel Officer prior to beginning the other employment. Forms should be processed through their respective Personnel Office.

B. Secondary Employment

I. This is defined as employment which is NOT with another agency in the State Personnel System or State Employer as defined above in item Number 2 of Dual Employment.

II. Employees are responsible for ensuring that secondary employment does not conflict with FDOT work hours or work responsibilities.

15. Employees should be aware that conduct can be evaluated under a number of different policies, procedures, rules and statutes. Conduct related to the Ethics Code can also be evaluated from a Personnel side (see Rule 60L-36.005 Florida Administrative Code which, among other requirements requires actions to be conducted with honesty, integrity and impartiality). Employees should also be aware that actions may be evaluated under 334.193, Florida Statutes and 334.195, Florida Statutes. These Statutes make certain activities illegal and establish criminal penalties, which currently include imprisonment and fines, if convicted. Key points for these two references are,

- 334.193, F.S. makes it illegal for an employee or officer of the Department to bid on work, or be involved in the purchasing of goods or materials that will be used for state work, to include construction of any state road, the sale of any property, or any other work for which the Department would be responsible. If the employee or officer of the Department has a financial interest in a company or firm, it also makes it illegal for that company or firm to bid on work or be involved in the purchasing of goods or materials that will be used for state work, to include construction of any state road, the sale of any property, or any other work the Department would be responsible for. A conviction under this statute is considered a first degree misdemeanor and currently carries a penalty of imprisonment not to exceed one year and requires the employee or officer to be removed from their office or position.
- 334.195, F.S. makes it illegal for an employee or officer of the Department to either directly OR indirectly solicit....OR....accept funds (which means money) from any person who
 1. has done business with the Department,.....**OR**
 2. is doing, and maintains doing business with the Department,.....**OR**
 3. is seeking to do business with the Department.

A conviction under this statute is considered a second degree misdemeanor and currently carries a penalty up to a \$500.00 fine and can also include the requirement for the employee or officer to be removed from their office or position.

Solicitation under this statute would NOT include funds for charitable purposes for organizations such as the Heart Fund, American Red Cross, United Fund (list not all inclusive).

16. Solicitation rules have very limited exceptions for employees.

- (a) Solicitations by employees that would be permissible under the Opinion issued by the Commission on Ethics concerning the FSECC, Ethics opinion number 06-015, or subsequently issued opinions.
- (b) The prohibitions in the Code of Ethics relating to solicitation of gifts do allow employees to solicit charitable contributions for non-profit organizations from lobbyists or principals, so long as neither the employee nor any relative has control and as long as neither the employee nor any relative works for the non-profit organization. This section relates to employees soliciting outside of their work time and work roles.

**APPENDIX 9 – Department Scenarios under Current Ethics
Interpretations**

Scenarios under Current Ethics Interpretations

What can I do without violating ethics rules as a FDOT employee?

ISSUE:

1. Trade Shows in which vendors who do business or are attempting to do business with the Department participate and associated giveaways with those trade shows. Is it a conflict to attend and can Department employees accept giveaways/trinkets, etc.

ANSWER:

There is not a conflict in attending. Employees should only take informational materials from vendors such as brochures, pamphlets and product samples.

- a. Can an employee take a \$100 item? No
- b. \$50 item? No
- c. \$25 item? No
- d. \$10 item? No
- e. \$2 item? No

ISSUE:

2. Hospitality suites/receptions. Can we attend as DOT employees when we know a vendor/consultant is providing the food and drink?

ANSWER:

Yes; however employees cannot eat or drink unless full value has been personally paid prior to eating or drinking.

ISSUE:

3. How do we handle Christmas and holiday gifts from vendors as well as promotional items that are mailed to us or dropped off for employees? Can any of the gifts, like popcorn, or fruit baskets be accepted and shared with the whole office?

ANSWER:

- a. No gifts or gratuities can be kept.
- b. Items have to be either donated to an acceptable organization, (which should be the first choice) or thrown away. A cover letter, e-mail or some type of documentation should be sent with the item if returned, or to the donor if the item is donated. The letter should explain that while appreciated, Department employees cannot accept gifts.

ISSUE:

4. When other attendees are paying, and a DOT employee is speaking at the function or as a panel member, can the DOT employee accept a dinner that is provided at no charge?

ANSWER: No, payment of the dinner is required. The State will pay/reimburse for such dinner if the speaking or being a panelist member directly enhances the public purpose of the agency.

ISSUE:

5. Vendor sponsored golf tournaments. Can the DOT employee pay less to attend than someone else?

ANSWER:

DOT employees should ensure that they personally pay all fees associated with attendance and anything that is taken, such as green fees, food, goody bags, etc. Attendance at the event should not be subsidized by the vendor.

ISSUE:

6. Honorariums for speaking at functions. What is the rule of what can be taken and what has to be reported?

ANSWER:

No payments or gifts should be taken. Employees can accept certificates or plaques, but those items should be of no real cash value.

ISSUE:

7. Raffles/Door prizes at trade shows. Can we accept and if so under what conditions?

ANSWER:

Employees are expected to follow the same rules as for accepting a gift from a lobbyist, non-lobbyist or vendor. The only exception is for FSECC. The Ethics Commission has specifically ruled that employees can take prizes won during FSECC events, BUT the event has to be sponsored according to FSECC rules.

ISSUE:

8. FSECC golf tournament solicitations for door prizes. Can we continue to accept these items to use in the FSECC as giveaways?

ANSWER:

No, not as we have received them in the past; however, the Ethics Commission has published an opinion which states that vendors may contribute directly to United Way (United Way also has to send the solicitation letter) and United Way can distribute to agencies for use as door prizes.

ISSUE:

9. Vendor/Consultant sponsored conferences. Should we attend and if so under what guidelines?

ANSWER:

Vendor/Consultant sponsored conferences are fine to attend if they serve a direct and lawful public purpose with relation to departmental business and there is a benefit to the state. Department employees should ensure they have paid an appropriate registration fee. If there are events/foods provided that are not paid by the registration fee, but are paid through vendor/consultant sponsorships, the employee may not attend the event or eat the food unless they personally pay the actual cost for the event/food. This payment must be in advance of the event/meal/food. The State will only pay/reimburse for such event if there is an official business need to attend the event/meal and attendance directly enhances the public purpose of the agency.

An example of an appropriate business reason to participate in an event/meal would be to accept an award on behalf of the Department or to be a speaker at the event.

An example of an inappropriate business reason would be to state that you must go as a representative of the Department or because your supervisor required you to attend.

See items “Travel - Registration Fees”, “Travel – Meals Included in Registration Fees” and “Requirements for Certain Purchases – Social Events (Meals and other)” in the Disbursement Handbook for Employees and Managers for more guidance. This manual is available on the website for the Office of the Comptroller.

ISSUE:

10. FICE/FTBA conferences. What events can we attend?

ANSWER:

Employees may attend any event that is covered by the registration fee and not sponsored by a vendor/consultant. Events/Meals which are not covered by the registration fee and that are subsidized by a vendor may be attended if full payment of the event/meal cost is made. The State will only pay/reimburse for such event if there is an official business need to attend the event/meal and attendance directly enhances the public purpose of the agency.

An example of an appropriate business reason to participate in an event/meal would be to accept an award on behalf of the Department or to be a speaker at the event.

An example of an inappropriate business reason would be to state that you must go as a representative of the Department or because your supervisor required you to attend.

See items “Travel - Registration Fees”, “Travel – Meals Included in Registration Fees” and “Requirements for Certain Purchases – Social Events (Meals and other)” in the Disbursement Handbook for Employees and Managers for more guidance. This manual is available on the website for the Office of the Comptroller.

ISSUE:

11. AASHTO/SASHTO-networking/social times occur in rooms open to everyone. Can we attend all functions? If not, how do we determine which ones we can attend?

ANSWER:

Every effort should be made to contact AASHTO/SASHTO event planners to determine the events/socials covered with the registration fee (and that are not subsidized by a vendor). Events

of this type which are not covered can be attended, but food, drink etc. should not be accepted, unless additional personal payment is made.

ISSUE:

12. A Consultant offers opportunities to purchase tickets to sporting events.

ANSWER:

- a. Can we purchase the tickets? Yes, ONLY if purchased at the face value.
- b. Does the purchase have to be at face value? Yes, in order to avoid even the appearance of impropriety.
- c. Can we pay more? Yes, but it may raise the question as to why you would.
- d. Can we pay less? No. In this instance, it is not appropriate to focus on the amount paid by the consultant. The employee should pay the face value of the ticket in order to avoid the appearance of impropriety.

ISSUE:

13. Consultants invite us to participate in golf tournaments they hold while acknowledging we must pay for greens fees/cart fees. Can we participate?

ANSWER:

Yes, as long as a fair and full amount is being personally paid. A fair and full amount would be considered to be an amount that would normally be paid for all services/fees received at that facility or establishment if it were not being sponsored by the consultant.

ISSUE:

14. Speaking engagements (Rotary Clubs, Westshore Alliance, etc.) frequently include meals. Organizations such as Westshore Alliance, Planning Commission, CUTR, etc. hold dinners which include speakers such as elected officials. Department employees are frequently invited to attend. Other groups such as the Tampa International Airport sponsor tables and Department employees frequently are asked to join them. Also, Expressway Authorities for which Department employees are Board members frequently sponsor tables and Department employees are invited as part of that organization. Can we participate in these events without having to pay?

ANSWER:

No, employees must pay for the food.

ISSUE:

15. Employees often attend events sponsored by governmental agencies in which snacks and/or lunch are offered. If the food is not sponsored by consultants, can employees accept the food?

ANSWER:

Sometimes. This is a good example of when additional questions have to be asked. Employees may take the food if it is being paid for by a governmental entity. However, employees need to also know that sometimes governmental agencies hire lobbyists which would then make that

governmental agency a principal. If the governmental agency has hired a lobbyist, the answer would be that employees cannot take the food.

ISSUE:

16. Consultant sponsored dinners, parties, receptions.

ANSWER:

- a. Can we attend these events without having to pay if they are free to all attendees? **No.** The appearance would be that the consultant would be expecting some favor or goodwill from those who attended.
- b. Can we attend these events without having to pay if they are free only to DOT employees? **No.** The appearance would be the consultant would be expecting some favor or goodwill from those who attended.
- c. Can we attend these events without having to pay if they are free to spouses and we are attending solely as a guest of our spouse? **Maybe.** Attendance by a Department employee may be viewed as a gift from the spouse if attendance is based solely on being a guest and is not targeted toward the Department employee in any way. Employees should contact the Ethics Officer or Directors of Transportation Support/Administration for questions about particular situations.

ISSUE:

17. Employees receiving recognition items from consultants.

ANSWER:

Employees can only accept plaques, certificates or similar personalized items given in recognition of the recipient's public, civic, charitable or professional service. The items should be of nominal value. Additionally, employees should be aware that a large number of items, even of nominal value may appear to be excessive and can lead to the appearance of impropriety.

ISSUE:

18. What are examples of gifts?

ANSWER:

These are examples and not fully inclusive:

Land, use of land/homes/vacation homes, personal property, special terms on loans that would not be available to people in the same situation as the employee, forgiveness of loans, transportation, food, beverages, membership dues, tickets, free admissions, flowers, fees for services provided, such as washing a car or providing a manicure.

ISSUE:

19. What are examples of things that are not gifts?

ANSWER:

Salaries and benefits from the employee's employment, awards accepted on behalf of the agency, use of a public facility for a public purpose, transportation to an employee in relation to official government business, gifts from a state agency whose membership is composed primarily of staff of a governmental agency.

ISSUE:

20. Construction Career Days. If an organization like FTBA funds part of an event and companies doing business with the Department fund part, can an employee accept any door prize items or any food without having to pay for it if they are participating in or working the event on behalf of the Department?

ANSWER:

Employees should not accept any door prizes under the circumstances. Employees are also prohibited from accepting food that is paid for by vendors or where the cost is supplemented by vendors. If food is paid for by the organization (in this case FTBA), employees should not accept anything where the organization's funding is from lobbyists, principals of lobbyists, and vendors doing business with or seeking to do business with the Department.

ISSUE:

21. Attending community events. Can an employee attend a free event in their "non-DOT" capacity that is open to all persons in the community if it is sponsored by a lobbyist or vendor that does business with the Department?

ANSWER:

Yes, the employee can attend such a sponsored event as long as it is open to all persons in the community.

ISSUE:

22. Can an employee accept a discounted priced item from a lobbyist or vendor doing business with or attempting to do business with the Department based on government employment?

ANSWER:

Sometimes.

If the employee determines that the discounted rate is available equally to all government employees, it can be taken. An example of this would be reduced registration fees for all government lawyers, CPAs or engineers to attend a seminar, or all government employees attending a Public Private Partnership conference. Other examples would be an employee accepting a discounted rate as long as the rate is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin such as government employees discount rate on rental vehicles, telephone services and discounted admissions to theme parks.

If the employee determines that the discounted rate is only available to a particular class of employees or is for the personal benefit of that employee, it cannot be accepted. An example of this would be waiving a registration fee for employees who sit on a panel.

APPENDIX 10 – Department Employment Scenarios

Employment Scenarios

1. Dual employment is part time employment/second job with another State of Florida Employer. If you are working for a University, another State agency, etc., this falls under “dual employment”. This means that you are being paid by two State of Florida employers. BEFORE you start part time employment or a second job with another State of Florida employer, you must have written approval. Read the following or see your Central Office or District Personnel Office representative for information on how this should be handled and the appropriate paperwork to be completed:

A. Dual Employment Guidelines and Procedures for State Personnel System Agencies.

http://dms.myflorida.com/media/hrm_files/manuals/dual_employment_guidelines_and_procedures_for_state_personnel_system_agencies_rev_6_29_09

B. “Compensation and Benefits,” *Dual Employment and Compensation, Rules of the Department of Management Services Personnel Management System.* Chapter 60-L32.003

http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/personnel_rules_and_statutes

C. “Responsibility for the State University System under s. 7, Art. IX of the State Constitution; legislative finding and intent” 2006 Florida Statutes.

Chapter 1001.705 (1)(a)(4),

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch1001/part04.htm&StatuteYear=2006&Title=%2D%3E2006%2D%3EChapter%201001%2D%3EPart%20IV

2. Secondary Employment is a part time or full time employment/second job with a company that is not a State of Florida Employer. Employment outside of your Florida Department of Transportation (FDOT) job should be for hours that do not overlap or conflict with your FDOT approved schedule and job responsibilities.

- If you are working for a private company – the employment would be secondary employment, not dual employment. Generally, you do not have to get approval before starting a second job, but if you interact at all with the company during your Department employment there is a potential conflict of interest. If there is a conflict of interest, you will not be allowed to work for both.

3. MCCO employees are required to follow Policies 2 – 6 and 2 – 12 of the Motor Carrier Compliance Office Policy Manual regarding any and all outside employment issues. Contact MCCO Personnel for information on the process to be followed.

4. Employment with firms after retirement -

- A DOT employee who was directly involved in a contract acquisition through decision, approval, disapproval, recommendation, rendering of advice, or investigation may not at any time after retirement or termination, work for any business entity in connection with that contract.
- A DOT employee may not, for two years after retirement or termination, work for a business entity on a contract for contractual services that was within their responsibility while an employee of the Department.
- A DOT employee in the Senior Management or Selected Exempt Services who began employment after July 1, 1989, may not, for two years after retirement or termination personally represent a person or entity for compensation to DOT unless they are employed by another agency of State government.
- A former DOT employee who is providing contractual services directly to the Department may not be paid more for these services in the first year after termination than their annual salary at the time of termination. The Secretary may waive this restriction if it will result in significant time or cost savings.

5. Relatives working with entities (businesses) doing business with the Department.

- A DOT employee may not directly or indirectly procure contractual services for DOT from a business entity if a relative, fiancée or a person sharing living quarters with the employee is an officer, partner, director or proprietor of that entity, or if the employee or their spouse or child has a material interest in the entity. "Material interest" is defined in F.S. 112.312(15) as owning more than 5% of the total assets or capital stock of any business entity.

APPENDIX 11 – Agency Ethics Contacts

Agency Ethics Contacts

Florida Department of Transportation Agency Ethics Officer
Central Office – Tallahassee, Florida

Ruth Dillard Director of Administration
(850) 414-5230
605 Suwannee St. MS 57
Tallahassee, Florida 32399
Ruth.dillard@dot.state.fl.us

District 1 – Headquarters Bartow, Florida

Carol Finn District Director of Transportation Support
(863) 519-2697
Address 801 N. Broadway
Bartow, Florida 33831-1249
Carol.finn@dot.state.fl.us

District 2 – Headquarters Lake City, Florida

Joye Brown District Director of Transportation Support
(386) 961-7840
Address 1109 S. Marion Avenue
Lake City, Florida 32025-5874
Joye.brown@dot.state.fl.us

District 3 – Headquarters Chipley, Florida

Rena Jenkins District Director of Transportation Support
(850) 415-9202
Address 1074 E. Highway 90
Chipley, Florida 32428-0607
Rena.jenkins@dot.state.fl.us

District 4 – Headquarters Ft. Lauderdale, Florida

Rosielyn Quiroz District Director of Transportation Support
(954-777-4114)
Address 3400 W. Commercial Blvd
Ft. Lauderdale, Florida 33309-3421
Rosielyn.quiroz@dot.state.fl.us

District 5 – Headquarters DeLand, Florida

Rise' Wall District Director of Transportation Support
(386) 943-5482
Address 719 S. Woodland Blvd
DeLand, Florida 32720
Rise.wall@dot.state.fl.us

District 6 – Headquarters Miami, Florida

Gary Donn District Director of Transportation Support
(305) 470-5145
Address 1000 N.W. 111th Ave
Miami, Florida 33172
Gary.donn@dot.state.fl.us

District 7 – Headquarters Tampa, Florida

Gloria Harmony District Director of Transportation Support
(813) 975-6015
Gloria.harmony@dot.state.fl.us

Robert Keller District Professional Services Administrator
(813) 975-6461
Robert.keller@dot.state.fl.us

Address 11201 N. Malcolm McKinley Dr
Tampa, Florida 33612-6456

Turnpike – Headquarters Turkey Lake Plaza Turnpike, Florida

Brett Hartzogg District Director of Administration
(407) 264-3104
Brett.hartzogg@dot.state.fl.us

Walter Spiva District Deputy Chief Counsel
(407) 264-3170
JWalter.spiva@dot.state.fl.us

Address Turkey Lake Plaza, Turnpike
Ocoee, Florida

APPENDIX 12 – Enterprise Ethics Compliance Questionnaire

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

		<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>INIT</u>	<u>W/P REF</u>
<u>Designate a chief ethics officer</u>						
1.	The revised Executive Office of the Governor's Code of Ethics (Code), effective as of January 4, 2011 directed each agency to designate a chief ethics officer for the agency. Has the agency designated an individual to serve as the agency's chief ethics officer?	_____	_____	_____	_____	_____
2.	Does the agency's chief ethics officer's Position Description appropriately address responsibilities and percentage of time of his/her role as chief ethics officer?	_____	_____	_____	_____	_____
3.	Does the agency's chief ethics officer hold regular meetings to discuss ethics? (Determine the frequency of such meetings, who attends, etc. Review meeting minutes.)	_____	_____	_____	_____	_____
4.	The Code directed each agency to review the Code and evaluate the agency's existing code of ethics, with a view towards using the Code as the base standard for the agency to the extent practicable. Has the agency reviewed and evaluated the agency's current ethics policy in light of the revised Code?	_____	_____	_____	_____	_____
5.	If the agency is decentralized (with offices located throughout the State), has the agency delegated or assigned responsibility of "deputy" ethics officers at these locations?	_____	_____	_____	_____	_____

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>INIT</u>	<u>W/P REF</u>
<p>6. The Code directed each agency to review and evaluate the Code, “in light of the current policies adopted by the agency, with a view towards using this Code as the base standard, ...to the extent practicable, and adjusted for those unique program requirements and variables,” of the agency.</p> <p>Has the agency implemented any agency-specific adjustments to the revised Code within the specified timeframe of forty-five (45) days of Executive Order Number 11-03, dated January 4, 2011, which would be February 18, 2011?</p>	_____	_____	_____	_____	_____

Training

<p>7. The Code directed each agency’s chief ethics officer to make reasonable efforts to ensure that the employees (employees “refers only to all employees in the Office of the Governor and to all secretaries, deputy secretaries and chiefs of staff of the executive agencies under the purview of the Governor”) responsible for adhering to the Code become familiar with relevant ethics, public records and open meeting requirements.</p> <p>Has the chief ethics officer made reasonable efforts to ensure that the agency’s employees (secretary, deputy secretaries, and chief of staff) become familiar with relevant ethics, public records, and open meeting requirements?</p>	_____	_____	_____	_____	_____
--	-------	-------	-------	-------	-------

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>INIT</u>	<u>W/P REF</u>
<p>8. The Code directed each agency secretary to attend training on the subjects of ethics, public records, open meetings, records retention, equal opportunity, and proper personnel procedures.</p> <p>Is there documentation to support that the agency secretary attended training on the subjects of:</p> <ul style="list-style-type: none"> • Ethics • Public records (Chapter 119, <i>Florida Statutes</i>), • Open meetings (Section 24 of the Florida Constitution), • Records-retention • Equal opportunity • Proper personnel procedures 	_____	_____	_____	_____	_____
<p>9. The Code directed each agency secretary to arrange for similar training of the agency's employees (on the subjects of ethics, public records, open meetings, records retention, equal opportunity, and proper personnel procedures) on an annual basis.</p> <p>Does the agency provide training on an annual basis?</p>	_____	_____	_____	_____	_____
<p>10. If yes, is the training frequency addressed in agency policy?</p>	_____	_____	_____	_____	_____
<u>Effectiveness of training</u>					
<p>11. Is the agency's training method for employees a written document course, computer-based training course (CBT), an audio/visual (including annual webcast) presentation, classroom, or other method? Please identify the method.</p>	_____	_____	_____	_____	_____

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>INIT</u>	<u>W/P REF</u>
12. Agencies may have multiple work locations throughout the state. Has the agency's ethics program been implemented and applied the same or differently throughout the agency?	_____	_____	_____	_____	_____
13. Does the chief ethics officer (or other appropriate office) maintain ethics contact information?	_____	_____	_____	_____	_____
14. Does the chief ethics officer (or other appropriate office) maintain training attendance logs?	_____	_____	_____	_____	_____
<u>Implementation</u>					
15. Are new employees required to sign an agency Pledge Form related to ethics, to attest the employee received a copy of, understand, and agree to comply with the agency's ethics policy?	_____	_____	_____	_____	_____
16. Does the agency's ethics policy and procedures include: <ul style="list-style-type: none"> ● Oversight of and compliance for ethical behavior (processes to allow investigation of and provide enforcement over unethical behavior); ● Training; ● Procedures for reporting violations (ways for employees to anonymously report concerns about fraud, abuse, or questionable practices); ● Employees' annual review of the policy ● Transparency and Accountability? 	_____	_____	_____	_____	_____

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

YES NO N/A INIT W/P
REF

Potential Conflicts of Interest

17. The Code encourages each agency's secretary to review his/her own personal assets/investments to assure that any potential for conflict and/or the appearance of impropriety is avoided.

Has the agency secretary taken appropriate steps in regards to his/her own personal assets/investments, to avoid the potential for conflict and/or the appearance of impropriety?

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>INIT</u>	<u>W/P REF</u>
18. The Code provides that no employee (employee refers only to secretaries, deputy secretaries and chiefs of staff of the executive agencies under the purview of the Governor) shall serve as an officer or director of any <u>non-governmental</u> corporation, company, partnership, or other entity, regardless of its private or public ownership or its for-profit or not-for-profit status, <u>except for</u> : <ul style="list-style-type: none">• Subject to approval from the Governor’s general counsel, an employee may serve as an officer or director of a non-governmental, not-for-profit corporation, company partnership, or other entity that does not seek funding from the State;• Subject to approval from the Governor’s general counsel, an employee may serve as an officer or director of a non-governmental, not-for-profit corporation, company, partnership, or other entity that seeks funding from the State if (a) serving in that capacity is directly related to the employee’s employment and (b) the employee has been requested to do so by the Office of the Governor (or , in the caser of employees at the executive agencies, by his or her agency) or is required to serve in that capacity by statute, rule, executive order, or other applicable law; and,• Subject to approval from the Governor’s general counsel, an employee may serve as an officer or director of a non-governmental, for-profit corporation, company, partnership, or other entity does not seek or receive funding from or do business with the State and that is closely-held or family-owned or operated. For example an employee who, along with other family members, is an officer or director of an entity that owns rental property could seek approval under this exception. If an employee meets any of the exceptions, is there documentation of approval from the Governor’s general counsel?					

ENTERPRISE ETHICS COMPLIANCE QUESTIONNAIRE

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>INIT</u>	<u>W/P</u> <u>REF</u>
19. The Code provides that no employee may have any on-going dual employment or dual compensation without prior approval from the chief ethics officer.					
If an employee maintains any on-going dual employment or dual compensation, has appropriate approval been granted?	_____	_____	_____	_____	_____

APPENDIX 13 – Enterprise Ethical Environment Survey Questions

Agency- wide survey to assess the ethical environment:

Ethics deals with human conduct in relation to what is good and bad, right and wrong. It is the application of values to decision making. These values include honesty, fairness, responsibility, respect and compassion.

Ethical behavior refers to how an organization ensures that its decisions, actions, and interactions conform to the organization's moral and professional principles of conduct.

Please read the following statements about the ethical climate and structure in your agency and select the most appropriate response based on your personal experience.

1. My agency's senior management models and promotes ethical behavior.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know or no opinion

2. My supervisor models and promotes ethical behavior.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know or no opinion

3. My coworkers model and promote ethical behavior.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know or no opinion

4. I know how to report suspected unethical behavior and fraud within my agency.

Yes No

5. I have received ethics training provided by my agency (choose the appropriate time period):

- Within the last year
- In the last one to three years
- In the last three to five years
- More than five years ago
- Never

6. I have been adequately trained by my agency to know what constitutes ethical and unethical behavior.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know or no opinion

7. My agency has written ethical guidance, such as a code of conduct, policy and/or other guidelines

- Yes
- No
- Don't know or no opinion

8. The agency's ethical guidance, including code of conduct, policy and/or other guidelines, is clear and comprehensive.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know or no opinion

9. I believe my agency has made clear my ethical responsibilities.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know or no opinion

10. Unethical conduct is appropriately handled by management in my agency.

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know or no opinion

I have been employed at my agency for:

- Less than one year
- One to three years
- Three to five years
- Five to ten years
- More than ten years

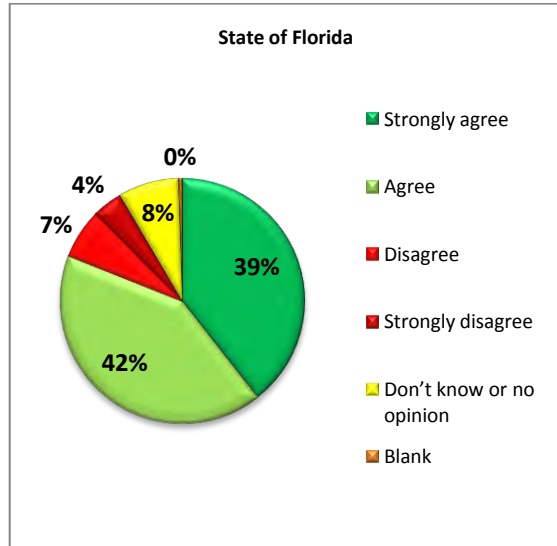
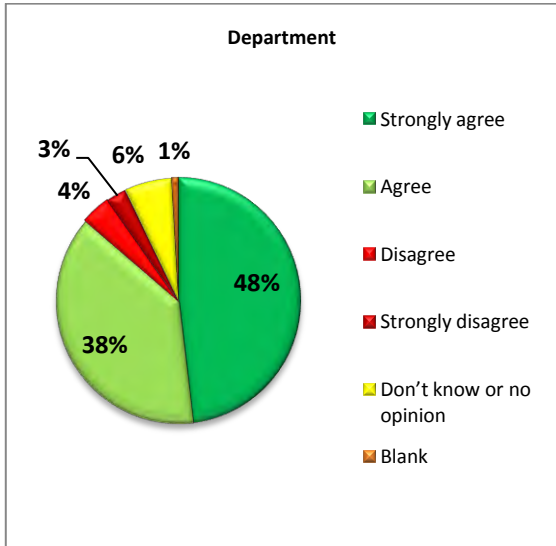
Please use the space below to add any comments you wish to offer.

APPENDIX 14 – Survey Results

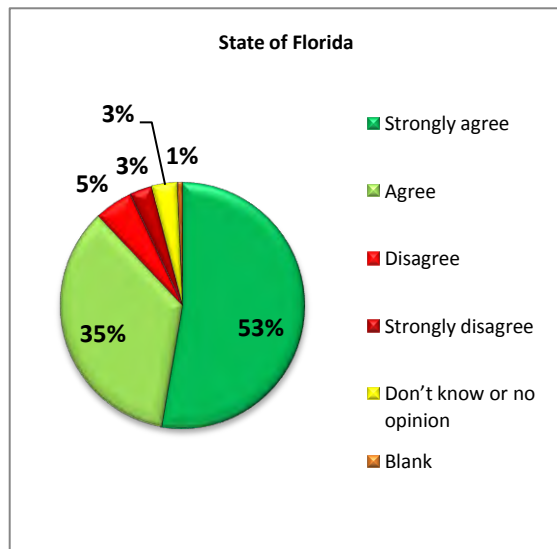
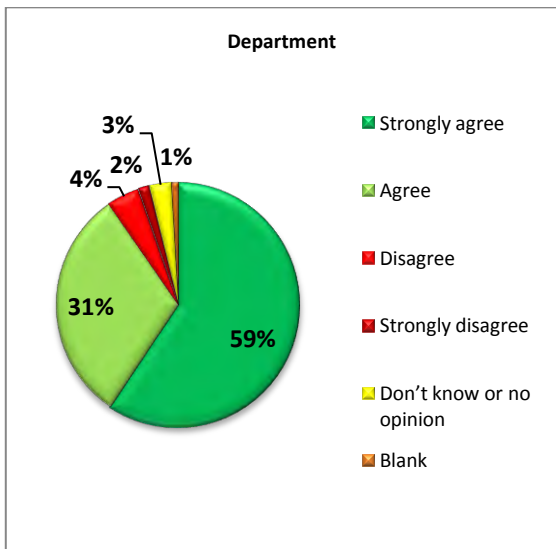
SURVEY RESULTS

The following charts are visual representations of the department's survey results compared to the state results.

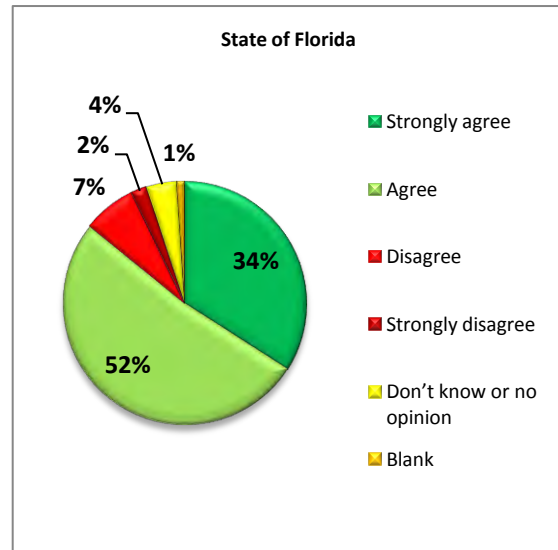
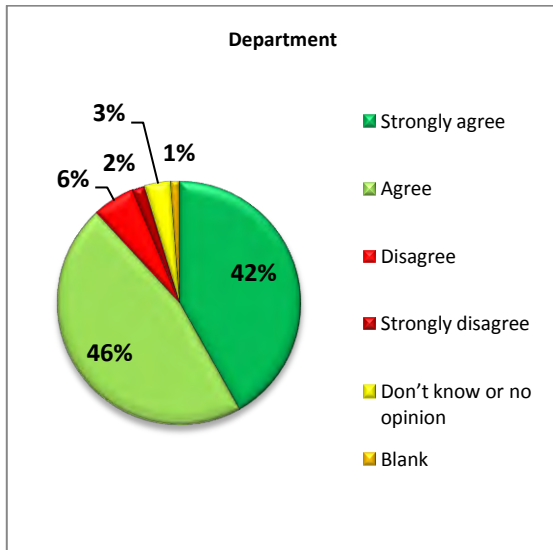
Question 1: My agency's senior management models and promotes ethical behavior.



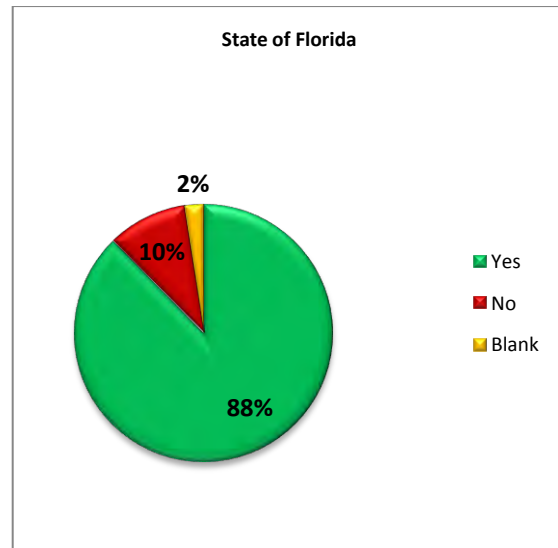
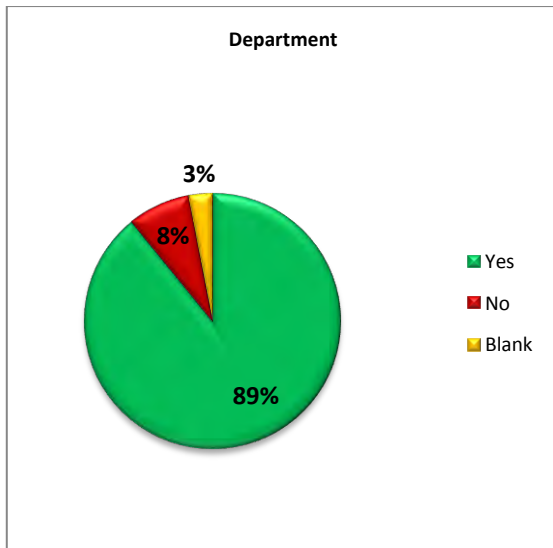
Question 2: My supervisor models and promotes ethical behavior.



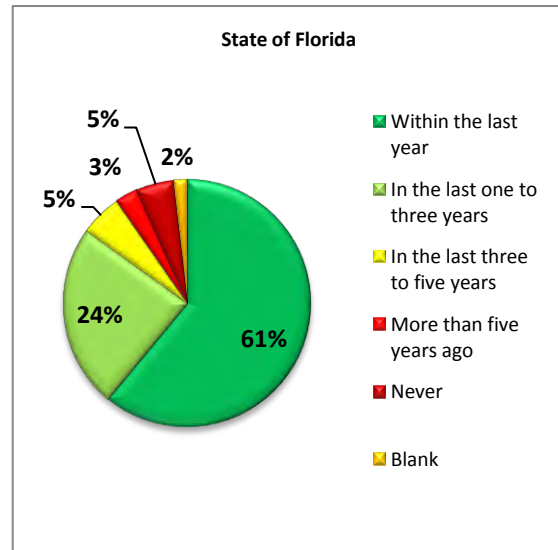
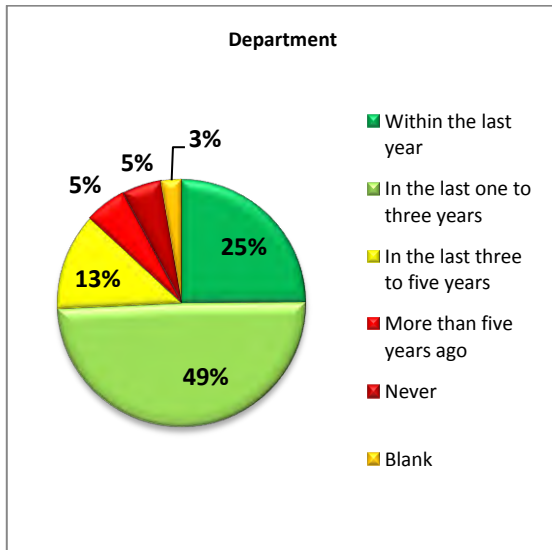
Question 3: My coworkers model and promote ethical behavior.



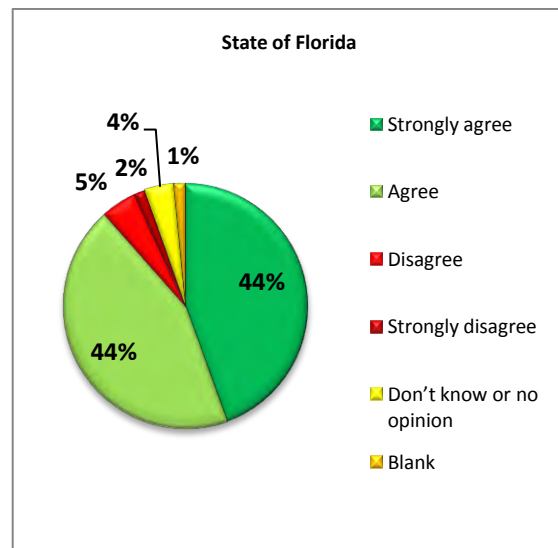
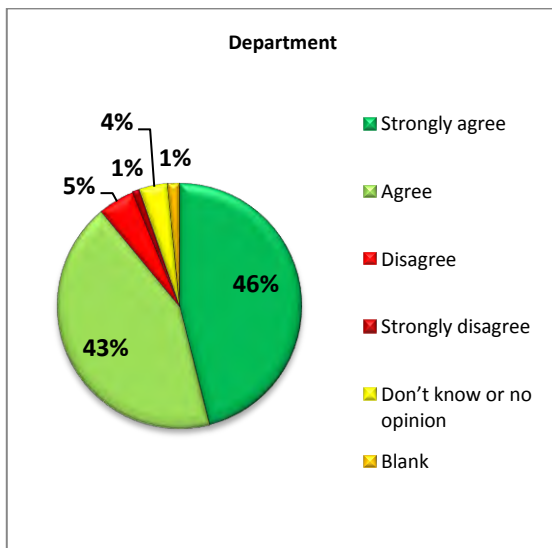
Question 4: I know how to report suspected unethical behavior and fraud within my agency.



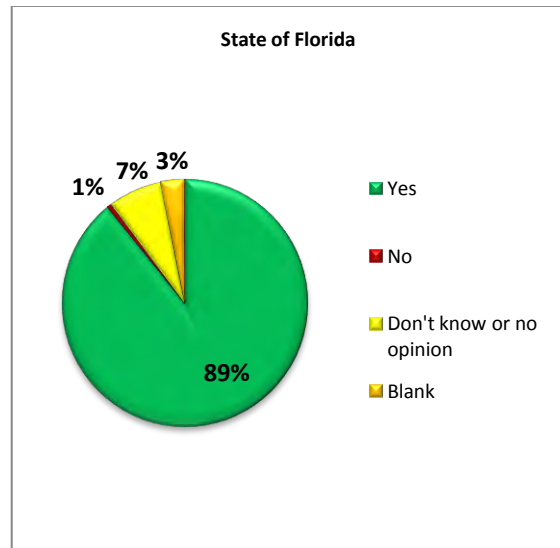
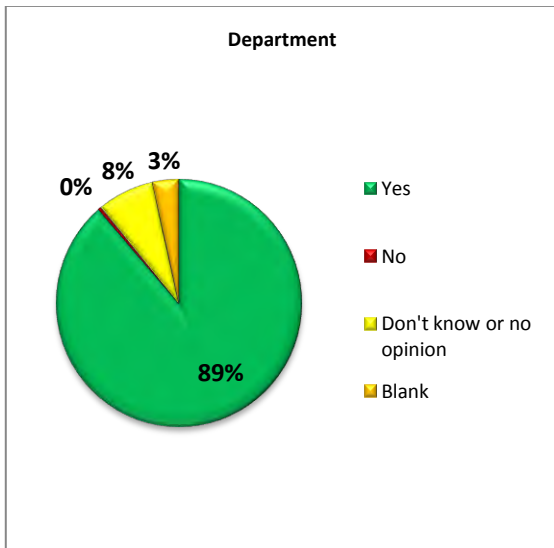
Question 5: I have received ethics training provided by my agency.



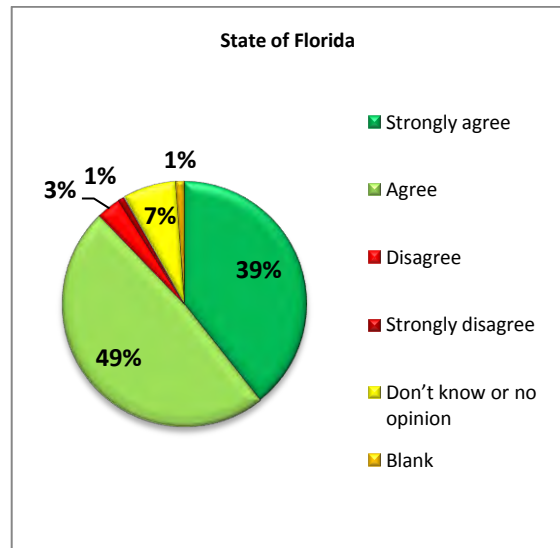
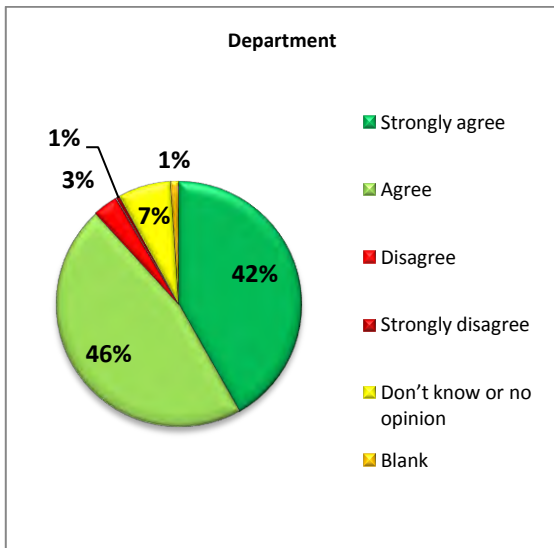
Question 6: I have been adequately trained by my agency to know what constitutes ethical and unethical behavior.



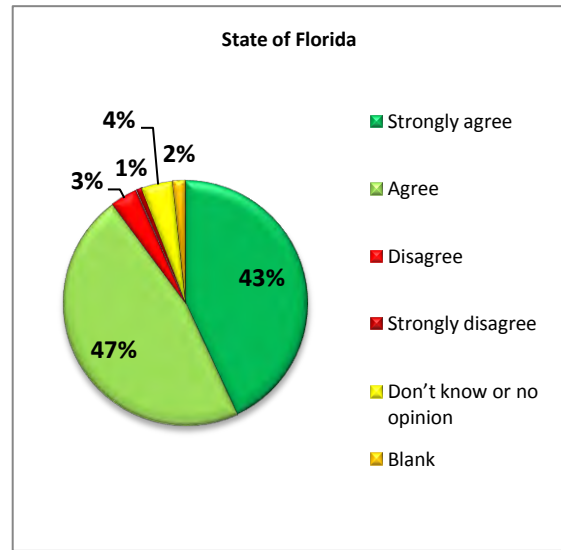
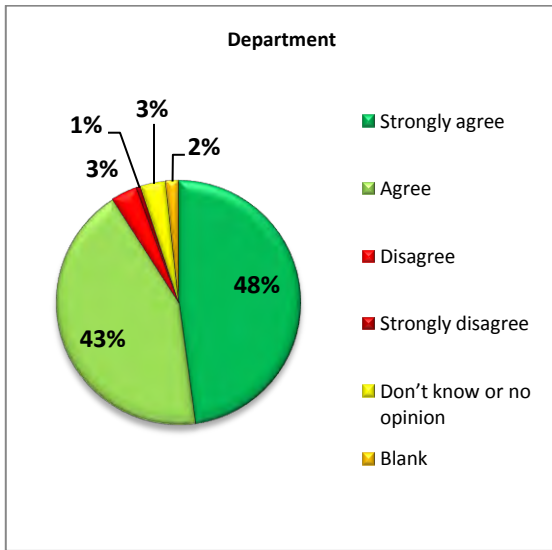
Question 7: My agency has written ethical guidance, such as a code of conduct, policy and/or other guidelines.



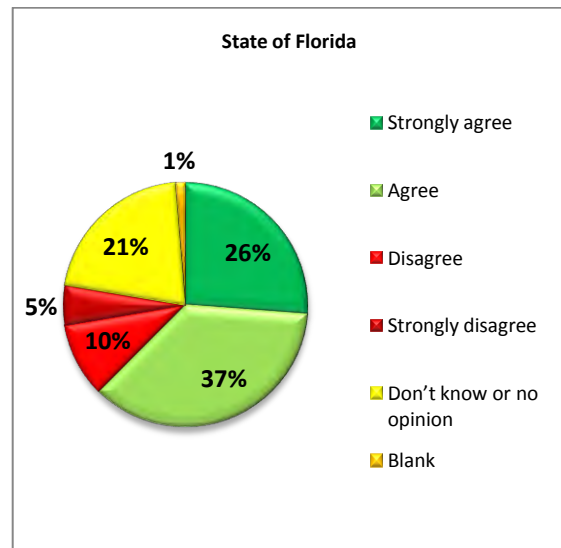
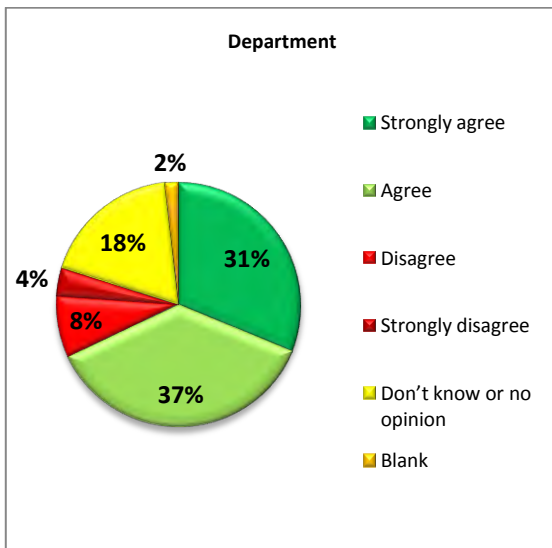
Question 8: My agency's ethical guidance, including code of conduct, policy and/or other guidelines, is clear and comprehensive.



Question 9: I believe my agency has made clear my ethical responsibilities.

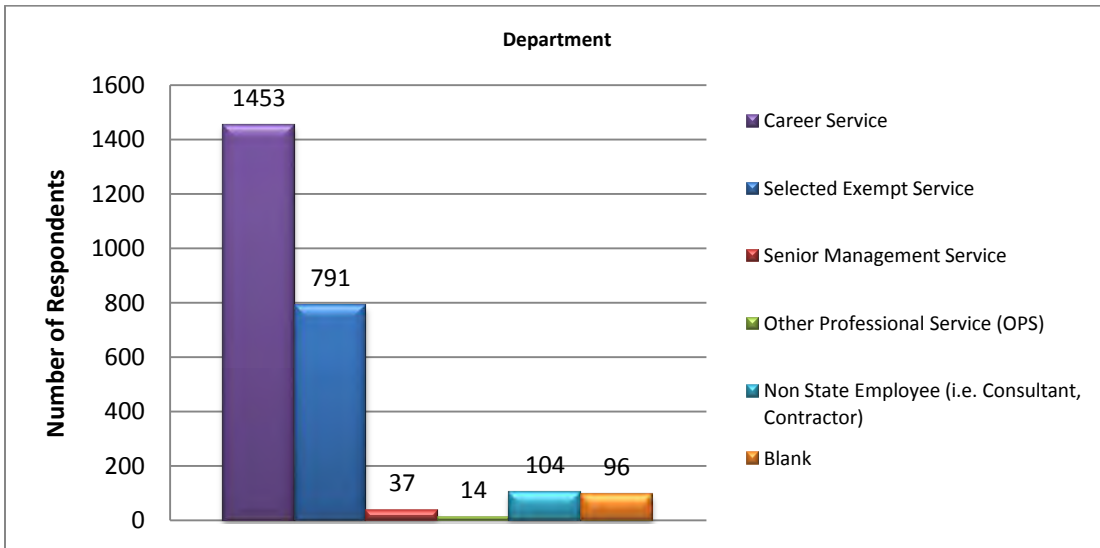


Question 10: Unethical conduct is appropriately handled by management in my agency.

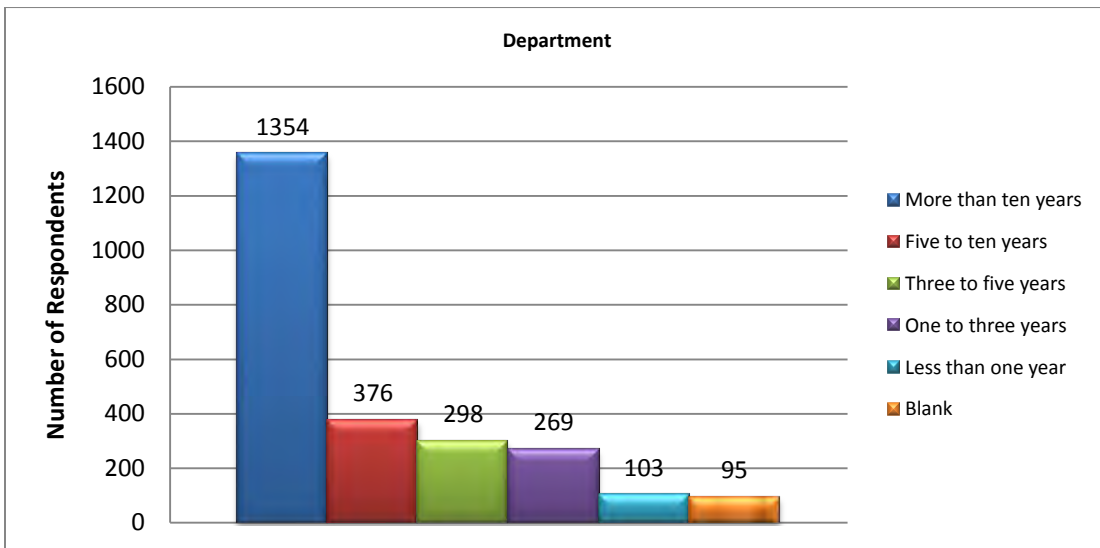


Question 11 was for comments.

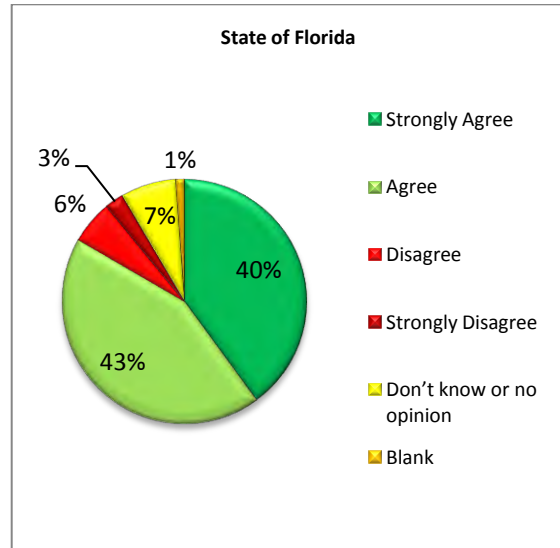
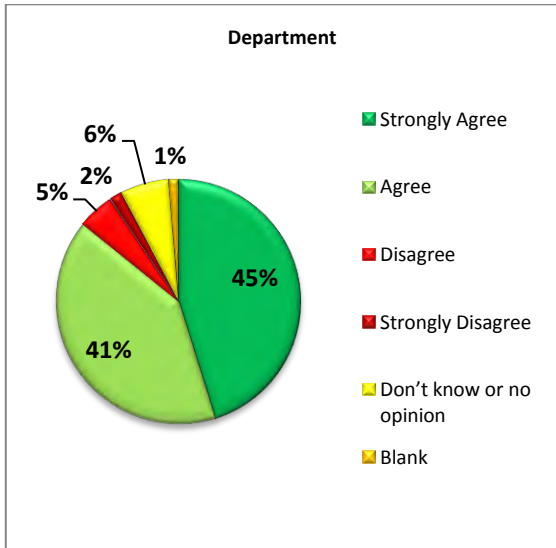
Question 12: Please select your position type.



Question 13: How long have you worked for the Agency?



Summary (includes results from questions 1, 2, 3, 6, 8, 9 and 10)



**Florida Department of Transportation Ethical Climate Survey Results:
Question 1 - My agency's senior management models and promotes ethical behavior.**

Strongly Agree

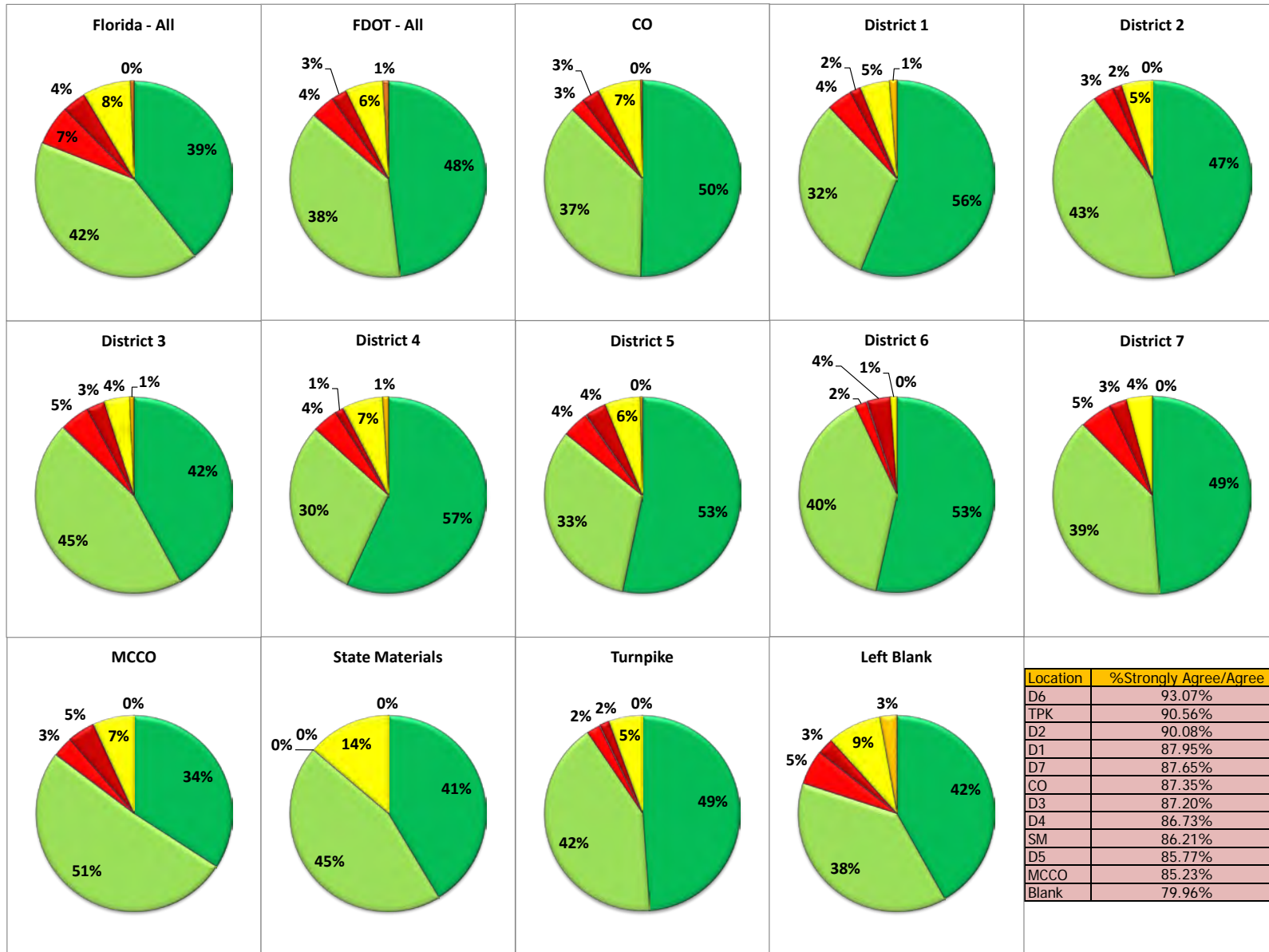
Agree

Disagree

Strongly Disagree

**Don't Know or No
Opinion**

Blank



**Florida Department of Transportation Ethical Climate Survey Results:
Question 2 - My supervisor models and promotes ethical behavior.**

Strongly Agree

Agree

Disagree

Strongly Disagree

**Don't Know or No
Opinion**

Blank



**Florida Department of Transportation Ethical Climate Survey Results:
Question 3 - My coworkers model and promote ethical behavior.**

Strongly Agree

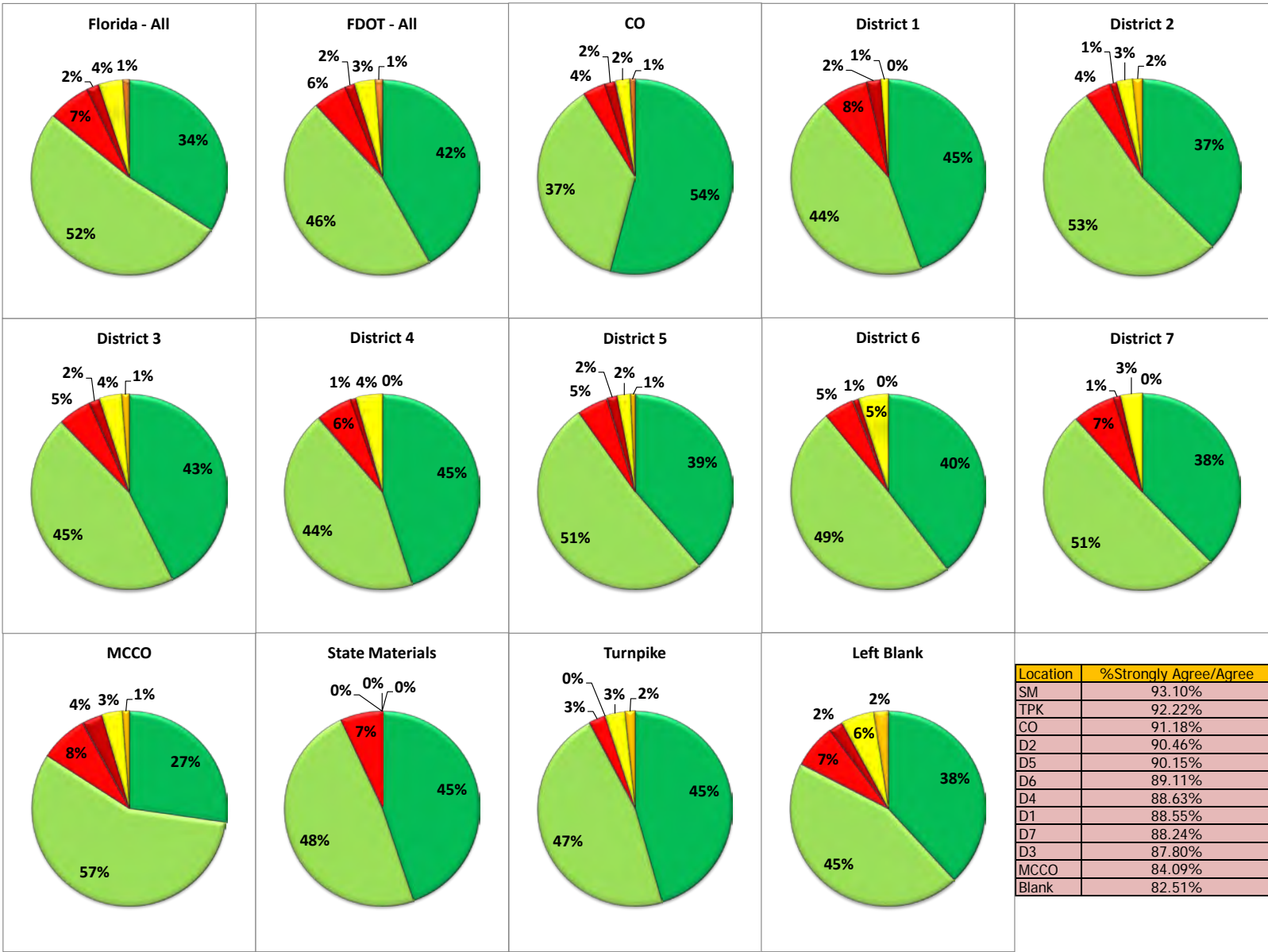
Agree

Disagree

Strongly Disagree

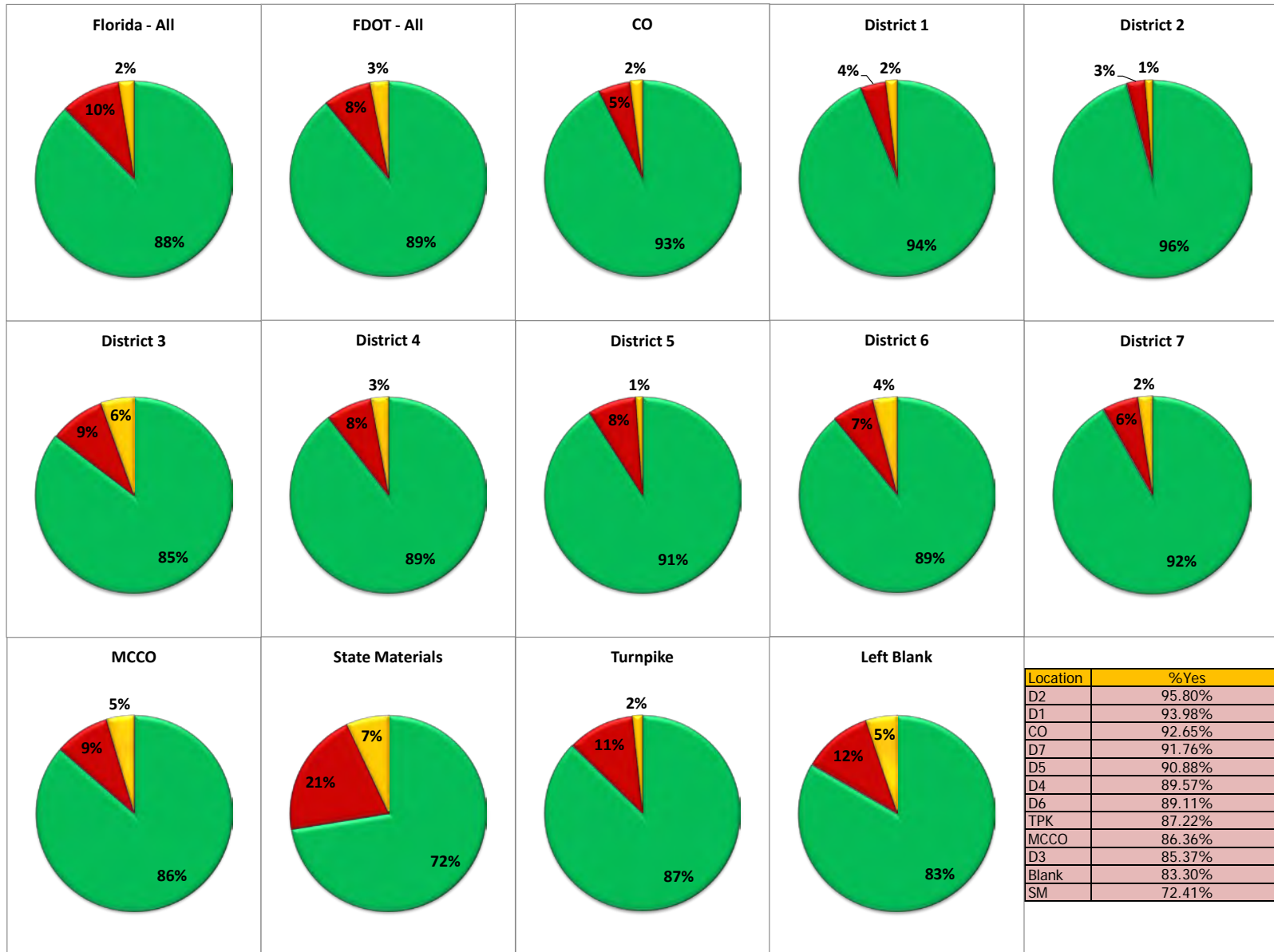
**Don't Know or No
Opinion**

Blank



**Florida Department of Transportation Ethical Climate Survey Results:
Question 4 - I know how to report suspected unethical behavior and fraud within my agency.**

Yes No Blank



**Florida Department of Transportation Ethical Climate Survey Results:
Question 5 - I have received ethics training provided by my agency (choose the appropriate time period).**



**Florida Department of Transportation Ethical Climate Survey Results:
Question 6 - I have been adequately trained by my agency to know what constitutes ethical and unethical behavior.**

Strongly Agree

Agree

Disagree

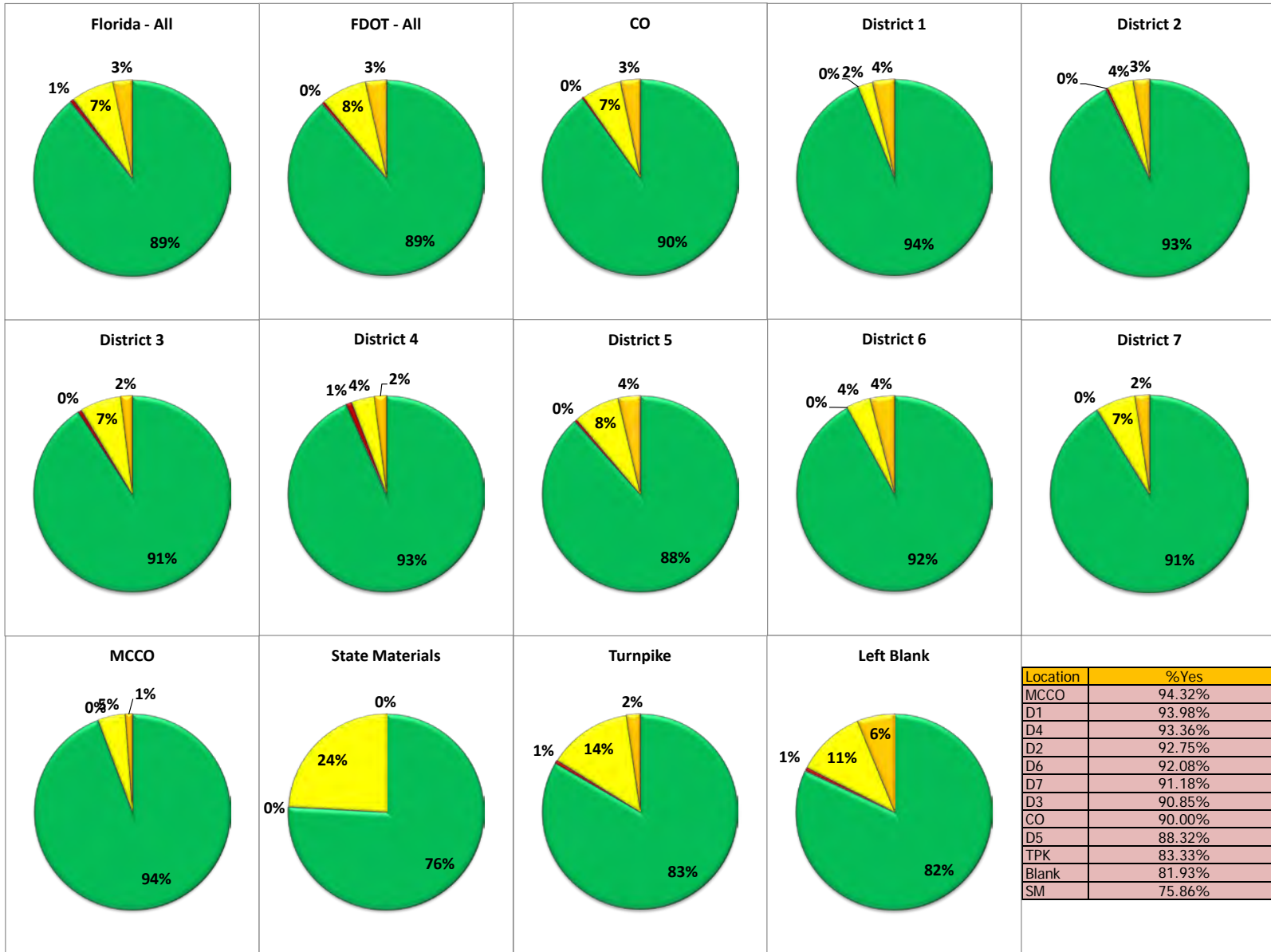
Strongly Disagree

**Don't Know or No
Opinion**

Blank



**Florida Department of Transportation Ethical Climate Survey Results:
Question 7 - My agency has written ethical guidance, such as a code of conduct, policy and/or other guidelines.**



Location	%Yes
MCCO	94.32%
D1	93.98%
D4	93.36%
D2	92.75%
D6	92.08%
D7	91.18%
D3	90.85%
CO	90.00%
D5	88.32%
TPK	83.33%
Blank	81.93%
SM	75.86%

Florida Department of Transportation Ethical Climate Survey Results:

Question 8 - My agency's ethical guidance, including code of conduct, policy and/or other guidelines, is clear and comprehensive.

Strongly Agree

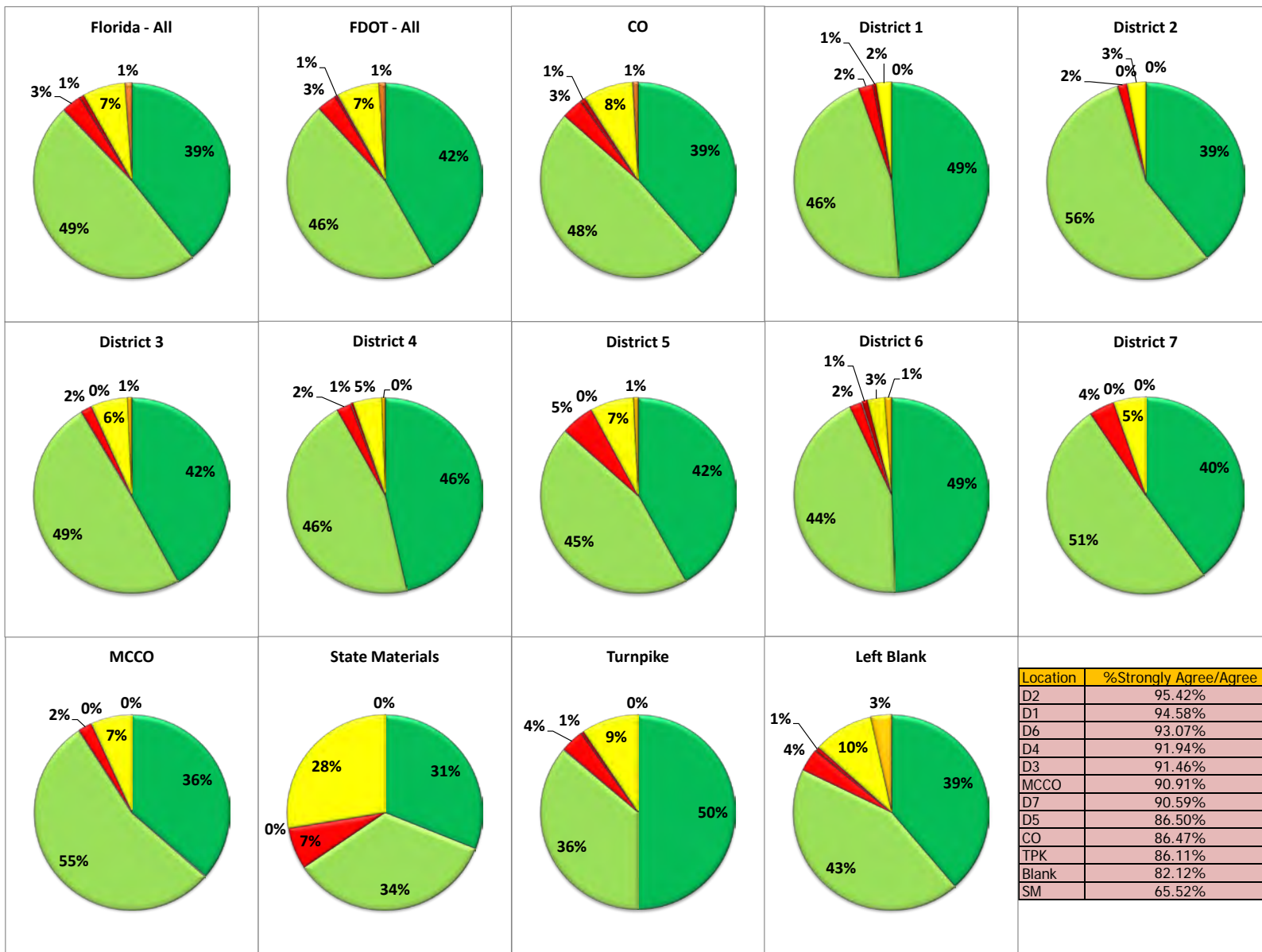
Agree

Disagree

Strongly Disagree

Don't Know or No
Opinion

Blank



Florida Department of Transportation Ethical Climate Survey Results:

Question 9 - My agency's ethical guidance, including code of conduct, policy and/or other guidelines, is clear and comprehensive.

Strongly Agree

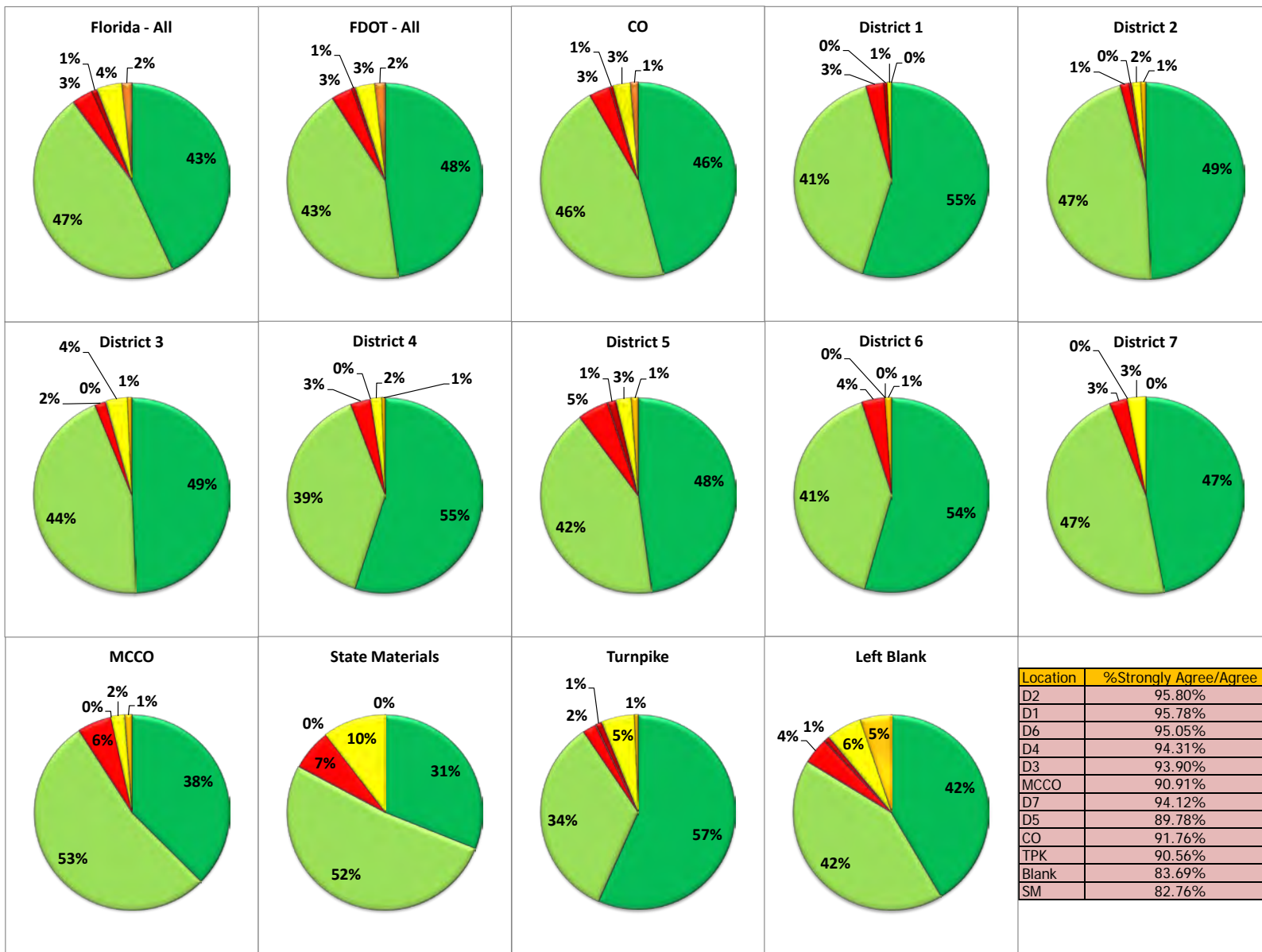
Agree

Disagree

Strongly Disagree

Don't Know or No
Opinion

Blank



**Florida Department of Transportation Ethical Climate Survey Results:
Question 10 - Unethical conduct is appropriately handled by management in my agency.**

Strongly Agree

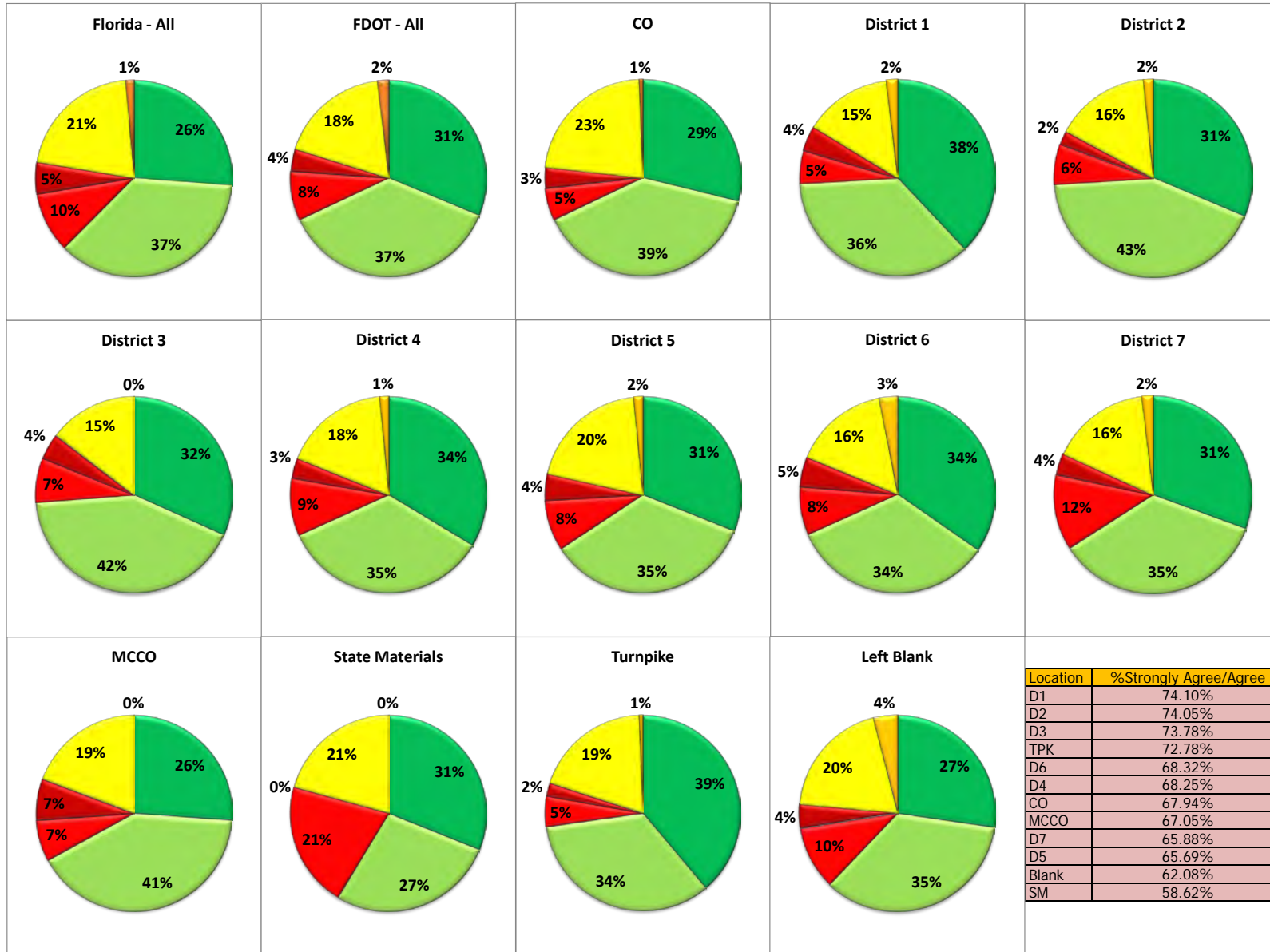
Agree

Disagree

Strongly Disagree

**Don't Know or No
Opinion**

Blank



**APPENDIX 15 – Project Management Handbook and Computer-Based
Training**

CHAPTER 2 – Ethics

Table of Contents

Topic	Page
Introduction	2
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Developing Professional Ethics	4
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Reporting Breaches of Ethics	6

Introduction

Success of [Florida Department of Transportation](#) (FDOT) projects depends upon ethical conduct of the Project Manager (PM). Ethics is a quality expected of transportation professionals, but is difficult to quantify. Ethics is more than obedience to the laws governing conduct of state employees and professionals who perform services for the state. Ethics deals with moral conduct, values, character, ideals and relationships. Ethical decision-making involves who you are and what you stand for. Unlike law, seen as black and white (what one can or cannot do), ethics may be viewed as grey (what one should or should not do). Obvious unethical conduct is easy to identify. However, a host of apparently good and successful professionals frequently engage in unethical conduct, knowingly or as a result of a lack of information. A PM is responsible for oversight of transactions between the FDOT and outside parties doing business with FDOT. The nature of this responsibility requires a PM to maintain the highest level of ethical standards to avoid any appearance of impropriety. A PM must not engage in any conduct that could cast doubt on their integrity or create an appearance that their decisions or actions were influenced by a desire for personal gain.

Florida Department of Transportation Values

FDOT has established the following values as a guide for conducting FDOT business:

- **Integrity:** “We always do what is right”
- **Respect:** “We value diversity, talent and ideas”
- **Commitment:** “We do what we say we are going to do”
- **One FDOT:** “We are one agency, one team”
- **Trust:** “We are open and fair”
- **Customer Driven:** We listen to our customers”

Values form the basis of personal and professional ethics. These values should not be viewed as just words on a plaque in a hallway; they should be the basis of ethical conduct both within and for the FDOT.

Ethical Conduct

These values should be applied in the daily conduct of FDOT business in an ethical manner. Fundamental elements of ethical behavior center around three things: objectivity, honesty and trustworthiness. Transportation professionals are expected to conduct business in an objective, truthful manner. They must ensure that decision-makers are presented with all pertinent facts, not just those that support a preconceived position. They must avoid a conflict of interest where personal financial gain may cloud a decision. Honesty is more than avoiding untrue statements. True statements can be made in misleading and incomplete ways. Trustworthiness involves honorable conduct – placing the public welfare and clients’ needs above personal gain. The challenge of ethical conduct is finding practical applications of concepts such as objectivity, honesty and trustworthiness.

L. G. Lewis, Jr., P.E. writes: *“Making an ethical decision is easier when the facts are clear and choices are well defined; it is more difficult when the situation is clouded by ambiguity, incomplete knowledge, multiple points of view and conflicting objectives. In such situations, ethical judgments depend upon both the decision-making process itself and the experience, intelligence and INTEGRITY of the decision-maker.*

Therefore, ethical decisions call for certain qualities that can be identified and developed within individuals. First is the ability to recognize ethical issues and think through the various consequences of alternate solutions. Second is the self-confidence to seek out different points of view and decide what is right at a given time and place under a specific set of circumstances. Last is the strength to make decisions when all that needs to be known cannot be known and pressing questions have no answers. The corporate culture which surrounds the young and growing professional may well be the dominant environment that shapes and hones these qualities.”

American Society of Civil Engineers (ASCE) Standards of Professional Conduct, PLUS Guidelines, shown in **Figure 1**, suggest guidelines for dealing with ambiguous ethical questions.



Figure 1, Professional Conduct, PLUS Guidelines

Developing Professional Ethics

L.G. Lewis describes professional ethics as being molded and shaped by three identifiable attributes: *“First is development of the professional as a moral person. Next is influence on the professional by his work environment, most significantly those principles displayed by his managers and role models. Third are those standards developed by the various professional societies and regulatory authorities that chart a path for ethical conduct.”*

Senior professionals must be aware of their influence on the younger members of their organizations and professions. Senior professionals should work to be positive role models. Written standards can help professionals chart a path of ethical conduct. These standards include codes of ethics of professional societies and laws and rules defining ethical (and unethical) conduct. Examples of professional codes of ethics are:

- ASCE [Standards of Professional Conduct](#)
- National Society of Professional Engineers (NSPE) [Ethics](#).

Legal Requirements

- Several legal and procedural requirements provide ethical guidance for both the FDOT and consultant PM:
- Florida Statutes (FS), Title X, [Chapter 112, Part III](#), deals with standards of conduct for agency employees.
- FS, Title XXVI, [Section 334.193](#) and [Section 334.195](#), deal with employee financial interests and conflicts of interest.
- Florida Administrative Code (FAC), [Rule Chapter 60L-36](#) deals with conduct of employees.
- Florida Governor’s [Code of Ethics](#)
- **FDOT Procedure No. 001-010-020**, [Ethics Policy](#)
- **FDOT Procedure No. 001-450-003**, [Integrity In Government](#)

Florida’s state constitution was revised in 1968 to require a code of ethics, prohibiting conflict between public duty and private interests, for all state employees be prescribed by law. The “Code of Ethics for Public Officers and Employees” is in Chapter 112, FS. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. FDOT employees must also abide by requirements of Sections 334.193, FS and 334.195, FS, which are more restrictive than Chapter 112, FS.

Ethics laws for FDOT employees generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. A PM should review the various laws, rules, and procedures for specific requirements that may apply to them. Remember, ignorance of the law will not excuse a violation. Violations of law, rule, or procedure may subject a PM to substantial penalties, including the loss of employment. Many of the laws concerning ethics are enforced by other agencies. A PM should never take any action that they believe could conflict with any applicable law.

Additional rules and law pertaining to the Professional Engineer are in Florida Statutes (FS) Chapter 471 and Florida Administrative Code (FAC) Chapter 61G15. Current copies of these are available at the Florida Board of Professional Engineers (FBPE) website, under Laws and Rules. These list specific expectations of Professional Engineers, including the definitions of and penalties for false, deceptive or misleading advertising; practicing under assumed, fictitious or misleading names; professional negligence; incompetence and misconduct. Specific responsibilities of engineers are also listed.

The FDOT – Consultant Relationship

Part I, Chapter 7, “Responsibilities and Roles of Project Managers,” explains the relative responsibilities and roles of FDOT and consultant PMs. Part I, Chapter 12, “Consultant Procurement,” Part I, Chapter 13, “Contract Negotiations” and Part I, Chapter 14, “Consultant Contract Management” provide specific contracting practices and requirements. New PMs should carefully review these chapters before developing, pursuing and entering into a consultant contract.

The FDOT PM must be fair and honest in the selection and negotiations process and in the way the contract is managed. The FDOT PM is obligated to ensure that the contract is fulfilled and the payments to the consultant are proper and supportable. The FDOT PM must avoid pressuring the consultant to provide services beyond the scope of services or before funds are encumbered and must understand that profit is a proper and acceptable objective of the consultant. Finally, the FDOT PM must understand that the consultant PM has his own professional and ethical responsibilities.

The consultant is hired to perform a valuable service for FDOT. When that obligation is accepted, along with it is the obligation to perform under the same ethical standards that are expected of the FDOT employee. This obligation is particularly important when the consultant represents the FDOT to the public and other organizations. Therefore, the consultant PM should review and conscientiously apply the standards discussed above and avoid placing the FDOT PM in a position that might compromise his or her ethical obligations. If the consultant is a Professional Engineer or a Professional Land Surveyor the laws and rules governing the appropriate profession must be followed.

Both the FDOT PM and the consultant PM need to be vigilant to maintain the proper ethical standards as stated above, and guard against any hint of compromise including the acceptance of any gift of any value.

The FDOT – Contractor Relationship

Contracts between FDOT and construction contractors involve considerable public funds and require close daily supervision and coordination. All involved must therefore understand the necessity to keep their relationship on a professional level and not provide the public with any hint of inappropriate behavior or ethical misconduct.

FDOT, Construction Engineering and Inspection (CEI) consultant and contractor personnel must guard against any hint of compromise, including the acceptance of any gift of any value. Contractual obligations of the contractor must be fulfilled completely and in accordance with the plans and specifications. Any deviation must be in accordance with procedures and properly documented. FDOT and CEI personnel are in a special position of public trust with important responsibilities. They must conduct themselves in a manner that reflects that trust.

Reporting Breaches of Ethics

FDOT employees and consultants are obligated to report violations of the law. Such breaches should be reported through the employee's management chain immediately. The Office of Inspector General hotline can be called at 1-800-255-8099 when you suspect:

- Someone is using FDOT property or people for personal gain.
- Someone is intentionally misleading FDOT for personal gain.
- Someone is taking some benefit to "look the other way."
- You're not sure if you should call to report suspicions.

The Professional Services Office should be involved in any case dealing with consultant ethical breaches. Professional Engineers are obligated to report violations of laws and rules pertaining to professional engineers to the Florida Board of Professional Engineers (FBPE). Professional societies such as the ASCE and the NSPE also have ethical review boards for such complaints. Finally, if an engineering firm is involved in unethical conduct, a complaint can be made to the Florida Institute of Consulting Engineers (FICE) under their [*Procedures for Handling of Professional Misconduct Complaints*](#).



Florida Department of Transportation Project Management

Part I Chapter 2 Ethics in Project Management

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LEARNING OBJECTIVES

At the conclusion of this chapter, you will:

- Understand the ethical guidelines established by the Florida Department of Transportation and in the Florida Statutes.
- Know the FDOT Project Manager's role in conducting business according to established ethical guidelines.
- Know the Consultant Project Manager and contractor's role in maintaining the proper ethical standards while doing business with FDOT.
- Understand the Department's perspective on accepting gifts.
- Know how to report unethical behavior.



**APPENDIX 16 – Department New Employee Document/Receipt and
Acknowledgement Form**

DOCUMENT/RECEIPT ACKNOWLEDGEMENT

Employee's Full Name (Print or Type)

People First User ID#

TYPE OF EMPLOYMENT: CS SES SMS OPS OTHER

A. I have received and signed for:

Initials Date

- Ethics Policy and Policy Pledge Form _____
- Drug-Free Workplace and Testing Policy and Consent and Release Form (New employees refusing to sign for this document shall not be placed on the payroll.) _____
- Workers' Compensation Employee Handbook and Acknowledgement Form _____
- Financial Disclosure Statement (if applicable) _____

B. I have received the following documents: (Check, initial, and date the ones received)

- Drug-Free Workplace and Testing/Overview Brochure(s) - FDOT Employee or CDL Driver, as appropriate _____

C. I have been advised that I am subject to and must read the below listed documents either on-line or obtain a copy from my supervisor. These items may be accessed through the Personnel Home Page site under "Special Interest" by selecting Employee Self-Service or New Employee Reading. ** Not applicable to Other Personal Services (OPS) Employees

- DOT Employee Handbook**
- Ethics/Conflict of Interest, Sections 334.193 and 334.195, F.S.
- Driver's Record Requirements
- Transporting Persons Other Than State Officials and Employees in DOT Vehicles (001-400-005)
- Disciplinary Action (250-012-011)
- Career Service Employee Grievance (250-025-001), if applicable**
- Safety - Mandatory Use of Seat Belts/Safe Operation of Vehicles, DMS Rule 60B-1.012, F.A.C.
- Use of Voice Communications Equipment (001-325-004)
- Security and Use of Information Technology Resources, Including E-Mail, Internet and Anti Virus Software (001-325-060)
- Use of Copy/Fax Machines (001-010-011)
- Smoking Policy (001-010-015)
- Sexual Harassment, DMS Rule 60L-36.004, F.A.C.
- Chapter 112, F.S. Part III, Code of Ethics for Public Officers and Employees

D. Recommended Reading

- Florida Retirement System Handbook**
- Florida Retirement System New Hire Road Map**

I understand that it is my responsibility to review and become familiar with the content of the documents listed under A, B and C above within ten (10) days following the date of my signature. If I do not understand any provisions, I will ask my supervisor or Personnel Office for clarification. I am expected to abide by the provisions therein, and if I do not, I understand that I may be subject to disciplinary action or other appropriate action. I acknowledge that it is my responsibility to read updates to the policies listed above when notified. I understand this receipt will be placed in my official personnel file and I will be given a signed copy of this form.

Name (Print or Type) _____

E. Agency Personnel Information - Public Records Exemption Under Chapter 119.071(4)(d)1, F.S.

All social security numbers held by the Department are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Certain other information about you also may be exempt from a public records request under Chapter 119.071(4)(d)1, Florida Statutes. Please review the information listed below carefully. If you hold or have held one of the occupations listed below, then the information described for that occupation is exempt from a public records request. Additionally, if you are the spouse or child of a person in one of the occupations listed below, the same information about you may be exempt.

Mark the appropriate boxes, if applicable.

The home addresses, telephone numbers, and photographs of:

- active or former law enforcement personnel, including correctional and correctional probation officers
- personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities
- personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect
- personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement
- firefighters certified in compliance with s. 633.35, F.S.
- current and former state attorneys, assistant state attorneys, statewide prosecutors, assistant statewide prosecutors*
- current or former United States attorneys and assistant United States attorneys*
- current or former judges of United States Courts of Appeal, United States district judges, and United States magistrate judges*

- The home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1).

* Also exempt from s. 24(a), Art. I of the State Constitution

The home addresses, telephone numbers, and photographs of:

- current or former human resource, labor relations, employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel related duties.
- current or former code enforcement officers
- current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice
- The names, home addresses, telephone numbers, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Name (Print or Type) _____

The home addresses and telephone numbers of:

- justices of the Supreme Court
- district court of appeal judges
- circuit court judges
- county court judges

- The home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from s. 119.07(1).

The home addresses, telephone numbers, places of employment, and photographs of:

- current or former guardians ad litem, as defined in s. 39.820

- The names, home addresses, telephone numbers, and places of employment of the spouses and children of such persons, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means to the public.

DECLARATION - Please mark the appropriate box.

- I meet one or more of the criteria for exemption as marked above.
- I do not meet any of the criteria for exemption.

I certify that the information on pages 1, 2 and 3 of this form are true and correct. Refusal to sign this form will result in my termination from the Department.

Employee's Signature

Date



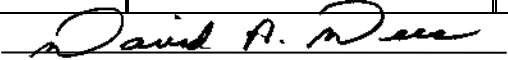
Signature of Witness

Date

Typed or Printed Name

APPENDIX 17 – Office of Motor Carrier Compliance Policy 1-2

**OFFICE OF MOTOR CARRIER COMPLIANCE
POLICY MANUAL**

	Title AUTHORITY	Policy # 1-2	
		Dated: 01/28/2010	
		Effective:	
	Applicable CFA Standards 1.02, 2.01, 2.02, 2.05, 2.06	Amends: Policy dated 09/05/2002 N/A	
Approved:  Colonel David A. Dees, Director			

- I. **Purpose:** The purpose of this directive is to define the boundaries of power and authority given to department members.
- II. **Policy:** It is the policy of the department that all members' sign an oath of office, follow conduct standards adopted by the department, follow the chain of command, and that sworn members abide by the law enforcement officer's code of ethics.
- III. **Authority:**
[Section 20.23, Florida Statutes](#)
[Chapter 316, Florida Statutes](#)
[Chapter 334, Florida Statutes](#)
[Section 112.311-112.326, Florida Statutes](#)
[DOT Topic 250-015-005-h](#)
- IV. **Definitions:**
Ethics – The system of moral values, conforming to right principles of conduct.
Oath – A solemn promise
- V. **Procedure:**
 - A. The Director, or his designee, shall be the sole authority on amending this manual. The Director may add, delete, change, modify or interpret any and all provisions of this policy manual at any time with or without prior notice. No other changes or deviations from the directive, policies, procedure, orders, rules and regulations may be permitted. This manual and all of its provisions shall be in effect continuously from the date of publication unless rescinded by order of the Director.
 - B. The Florida Department of Transportation is created pursuant to Section 20.23, Florida Statutes, which sets forth the legal structure and general description of the Department.
 - C. The Office of Motor Carrier Compliance (OMCC) is a division of the Florida Department of Transportation, who's Secretary is accountable to the Governor, as provided for in Chapter 20, Florida Statutes. The authority and responsibility afforded the Director of OMCC is from the FDOT Secretary through the Assistant Secretary for Transportation Policy, as defined in Section 20.23, Florida Statutes.
 1. Each organizational component, function, or unit shall be under the direct command of a single supervisor, who shall maintain accountability for the actions of members under his/her command. Each department member shall be accountable to only one supervisor/manager at any given time. **CFA 1.02**
 2. Each department member upon employment will take an oath of office to uphold and support the Constitution of the United States and of the State of Florida. All members will sign the State of Florida Department of Transportation, Oath of Loyalty Form # 250-005-05. Each sworn member will also sign the OMCC Oath of Office, Form # 775-A10-01, prior to being

sworn, to enforce the laws and uphold both the state and national constitutions. **CFA 2.01**

3. Each sworn member is required to abide by provisions outlined in [Section 112.311-112.326, Florida Statutes](#), policies and procedures of the agency, and the Law Enforcement Officers Code of Ethics as described below. **CFA 2.02**

Code of Ethics

As a Law Enforcement Officer for the Florida Department of Transportation, Office of Motor Carrier Compliance, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all persons of Liberty, Equality, and Justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule, develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL NEVER act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decision. With no compromise for crime and with relentless prosecution of violators, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I WILL strive to execute my assigned duties to the best of my ability, ever laboring to improve the quality of my performance and bring favorable credit to my agency and myself.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to these ethics. I will constantly strive to achieve these objectives and ideals, dedicating myself before my God to my chosen profession, Law Enforcement.

4. Each department member shall receive training on the Governor's Code of Ethics and Personal Responsibility and is required to abide by the provisions as outlined in the Governor's Executive Order #2007-01. Department members can also access the Code of Ethics on the Governor's website at: <http://www.flgov.com/pdfs/orders/07-01-outline.pdf>.
- D. Chain of Command: All members in OMCC will adhere to the chain of command. Members shall acquaint themselves with positions identified in their respective chain of command and shall afford deference and respect to persons occupying supervisory/management positions.
1. Exceptions are those specifically authorized by the Director or his designee, or those where bypassing the chain of command may be justified by the critical nature of the problem.
 2. To ensure good order and the coordination of department business, orders and instructions shall be communicated downward through the chain of command to respective operational components.
 - (a) Requests to contact supervisors for official purposes shall be transmitted up the chain of command through succeeding managerial levels.
 3. If the chain of command is not operating properly or is hampered by personality problems, it will be the responsibility of the next higher-level

authority in the chain of command to correct the problem and take disciplinary action when appropriate.

E. Orders: All department members shall promptly obey any lawful order or direction issued by any supervisor, including any order relayed to the member by another member. **CFA 2.05**

1. Should an order conflict with any previous order or with a general order or provision of departmental rules or regulations, the member shall promptly and respectfully bring such conflict to the attention of the issuing authority.

(a) If the order is not changed or rescinded to eliminate the conflict, the order shall stand, and that supervisor shall bear the responsibility.

2. If an unlawful order is given to any member of the department, the member shall immediately report this fact via the chain of command to the Director or the Lieutenant Colonel. **CFA 2.06**

3. The order of authority is as follows:

(a) United States Constitution and Federal Law

(b) Florida Constitution and State Law

(c) Federal and State Rules

(d) Department (FDOT and OMCC) Policies, Procedures, Rules, and Directives

(ii) Directives issued by the Director

(iii) Directives issued by the Lt. Colonel

(iv) Directives issued by the Majors

(v) Directives issued by the Captains

(vi) Directives issued by the Lieutenants

(vii) Directives issued by the Sergeants

(viii) Directives issued by the FTOs

VI. **Index:**
Chain of Command
Code of Ethics
Oath of Office

**APPENDIX 18 – Office of Motor Carrier Compliance Oath of Office
Form – Form No. 775-A10-01**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
OFFICE OF MOTOR CARRIER COMPLIANCE

OATH OF OFFICE

I do solemnly swear: I will support, protect and defend the constitution and government of the United States and the State of Florida; As a duly commissioned law enforcement officer of the Florida Department of Transportation, I will courageously, diligently, and honestly perform my duties, enforcing the law impartially with due courtesy; I will always conduct myself soberly, honorably, and honestly in a manner that ensures the integrity of myself, the agency, and the law enforcement profession; I will observe and abide by all lawful orders and regulations prescribed by my superiors and the rules and regulations of the Department; I am duly qualified for this appointment and I will well and faithfully perform the duties of an officer with the Office of Motor Carrier Compliance with the Florida Department of Transportation, which I am now about to enter, so help me God.

Printed Name	Signature

STATE OF FLORIDA

COUNTY OF _____

Before me personally appeared the said _____,
who says that he/she executed the above instrument of his/her own free will and accord, with full knowledge of the purpose therefore.

Personally Known _____ Or Produced Identification _____

Type of Identification Produced _____

Sworn and subscribed in my presence this _____ day of, _____ 20____.

My Commission expires: _____ 20____.

Notary Public _____ (Printed Name)

Signature _____ (Notary Stamp)