



Florida Department of Transportation

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POLICY

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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 ***Governor's Code of Ethics*** which was effective as of January 4, 2011. They are to be applied to the maximum extent possible in accordance with ***Chapter 112, Florida Statutes (F.S.)***, and applicable rules, policies, and procedures. As required by the ***Governor's Code of Ethics***, the following is implemented within the Department:

The Department's General Counsel will serve as the Department's Ethics Officer and, in conjunction with the Office of Human Resources and the Office of Organizational Development, will make reasonable efforts to ensure employees are familiar with this Policy, and receive annual training as required by the ***Governor's Code of Ethics***. Individual employees are personally responsible for ensuring that they comply with the provisions of this Policy and meet the annual training requirement. Department managers are responsible for ensuring employees under their supervision comply with the annual training requirement. Department managers who become aware of a possible violation of this Policy by any employee under their supervision shall report the circumstances to the Office of Human Resources and the Department's Ethics Officer. The Department's Organizational Development Office will provide quarterly reports to the Department Leadership and the Ethics Office regarding annual fiscal year CBT compliance of the Department employees.

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 the employee, or to reward the employee's past decision. Employees should also avoid any conduct (whether in the context of business, financial, or social relationships) that might undermine the public trust, regardless of whether that conduct is unethical or leads itself to the appearance of unethical behavior.
- No employee may solicit any gift from any lobbyist, principal of a lobbyist, or any person or company doing business 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. There are limited exceptions for charitable solicitations only if the gift would fall within the limited exceptions noted in **Section 112.3148, F.S.** or the **Governor's Code of Ethics**. No employee may accept anything of any value from a lobbyist, principal of a lobbyist, or any person or company doing business or seeking to do business with the Department, regardless of whether or not 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, or vendors doing business or seeking to do business with the Department, should consult with the Department's Ethics Officer on how to address their situation.

No employee may accept anything of value from a non-lobbyist unless the thing of value falls within one of 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 Department's Ethics Officer on how to address their 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) a partner, member, employer, employee, or principal of a lobbyist; or
 - (c) a person having a special monetary 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 a contract or an agreement; or

(e) a person who (either individually or through a corporation or organization) is seeking business from the Department.

- On-site consumption of food and refreshments 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, if prior approval has been granted by the Department's Ethics Office. However, if a lobbyist, the principal of a lobbyist, or a vendor going business or seeking to business with the Department, is offering the gift, an employee may not accept the gift.

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.*

- It is not considered a gift or expenditure if the employee fully reimburses the other person for the cost of the item. Generally, full reimbursement is considered to be the cost of the item to the person providing it. In the case of lobbyists, principals, or vendors doing business, or seeking to do business with the Department, the cost is the actual value of the item (such as face value of the admission ticket, etc.), even if the item was originally 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 required reimbursable cost employees must pay, 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, 34-13.500 and 34-13.510, Florida Administrative Code***, provide guidance on how to value gifts and should be consulted when making payment for an event or an item that is prohibited unless its actual value has been paid. For purposes of this Policy, payment must be made at the same time the item is received or the event is attended or must be made before the item is received or the event is attended.
- No employee shall take an honorarium or anything 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 prior approval has been granted by the Department's Ethics Office.

- No employee may travel in a private aircraft for Department business without obtaining prior authorization from the Department's Ethics Officer.
- No employee may have any dual employment or receive any dual compensation without prior approval.

Any employee who is arrested or charged with any criminal violation, including driving under the influence shall notify his or her immediate supervisor by the end of the third working day following the occurrence. The supervisor will ensure that the Department's Director of Human Resources is notified. Selected Exempt Service (SES), and Senior Management Service (SMS) employees have additional requirements as provided 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, 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:

- 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, or for-profit or not-for-profit company unless prior approval has been granted by the Secretary and the Governor's General Counsel.
- If the Secretary, Assistant Secretaries, District Secretaries, the Executive Director of the Florida Turnpike, the Executive Director of the Florida Rail Enterprise, or the Chief of Staff has an immediate relative (spouse, siblings, parents, children) who is a lobbyist, they will, at least quarterly, disclose to the Department's Ethics Office the names of those immediate relatives and the names of all clients of such immediate relatives. These employees will not participate in any matter that would contribute to the immediate relative's special gain or loss, and will excuse themselves from discussions, meetings, and matters involving clients of the immediate relative.
- Drug tests will be conducted for any employee appointed as the Secretary, an Assistant Secretary, District Secretary, Executive Director of the Florida Turnpike, or Executive Director of the Florida Rail Enterprise.
- 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, 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 will ensure 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 will ensure the Department's Ethics Officer is notified. Conviction means a plea of guilty, not contest, or nolo contendere, or a finding of guilt, whether or not adjudication is withheld, in any federal or state court.



Mike Dew
Secretary