



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 Ethics Manual***, 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 Ethics Manual***. 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 Ethics Manual***, the following is implemented within the Department:

The Department's General Counsel will serve as the Department's Ethics Officer and will make efforts to ensure employees are familiar with this Policy, and receive annual training as required by the ***Governor's Ethics Manual***. All employees shall be guided by the following ethical principles:

No employee may accept a benefit of any sort when 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 lends itself to the appearance of unethical behavior.

No employee may solicit any gift 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 the ***Section 112.3148, F.S.*** or the ***Governor's Ethics Manual***.

No employee may accept anything of any value from a lobbyist, principal of a lobbyist, any person or company doing business or seeking to do business with the Department, or any person or company with a matter pending before the Department or who is trying

to influence 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, vendors doing business or seeking to do business with the Department, have a matter pending before the Department or are trying to influence 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 Officer. However, if a lobbyist, the principal of a lobbyist, or a vendor doing business, or seeking to do business with the Department, is offering the gift, an employee may not accept the gift. Gifts (regardless of value) made to the Department may be accepted by an employee on behalf of the Department, if prior approval has been granted by the Department's Ethics Officer. Gifts (regardless of value) involving volunteer campaign-related travel, lodging, and/or food or beverage expenses, if prior approval has been granted by the Department's Ethics Officer.

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 Officer.

No employee may have any dual employment or receive any dual compensation without prior approval.

The following standards have been adopted for specific employees:

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 Officer the names of those immediate relatives and the names of all clients of such immediate relatives.

The Secretary, Assistant Secretaries, District Secretaries, the Executive Director of the Florida Turnpike, the Executive Director of the Florida Rail Enterprise, the Chief of Staff, the General Counsel, the Legislative Affairs Director, the Communications Director, and any Department employee who is required to file financial disclosure with the Commission on Ethics or who participates in procuring goods or services for the Department in excess of \$1,000 per year shall recuse themselves from Department

matters where prior dealings, finances or personal relationships could lead to the appearance of impropriety. All recusals must be in writing and provided to the Department's Ethics Officer and the Governor's Office of General Counsel. Employees shall exercise their best judgment in determining whether to recuse themselves and shall consult the Department's Ethics Officer as necessary.

Any applications for an exemption from any provision of this Ethics Policy shall be provided to the Department's Ethics Officer, who will consider the request in consultation with the Governor's Office of General Counsel. Requests for exemption or waiver will not be considered except in unique and compelling circumstances.

All violations of this Ethics Policy should be reported to the Department's Ethics Officer.



Kevin J. Thibault, P.E.,
Secretary