

The background of the slide features a stylized American flag. The top half is a solid blue field with several large, five-pointed white stars. The bottom half consists of wavy horizontal stripes in red, white, and red, with numerous small, bright white stars scattered throughout the stripes. The text is centered in the upper portion of the slide.

CODE OF ETHICS FOR PUBLIC OFFICERS & EMPLOYEES

**Chapter 112, Part III,
Florida Statutes**

LEGISLATIVE INTENT

Section 112.311, Florida Statutes (F.S.)

It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law.

U.S. Supreme Court Justice Potter
Stewart once said:

Ethics is knowing
the difference
between what you
have the right to do
and what is the
right thing to do.

JSR-OTQuotes.com

Dean Skelos



Former Majority Leader in the NY State Senate

- Convicted December 11, 2015, on eight (8) counts of bribery, extortion, wire fraud, and honest services fraud for provided favorable treatment to various companies in exchange for the companies arranging jobs for his son, Adam Skelos.
- Both men were sentenced earlier this month: Dean to 5 years in prison and Adam to 6 ½ years.



Rod Blagojevich



- Convicted in 2011 on 18 charges, including honest services fraud and violations of the Hobbs Act.
- Currently serving a 14-year sentence in federal prison.



Ray Nagin



- Convicted February 12, 2014, on 20 counts of conspiracy, bribery, honest services fraud, money laundering and tax violations.
- Sentenced to 10 years in prison, ordered to pay \$84,000 in restitution, and ordered to forfeit \$501,000.





**WHAT DOES THIS ALL MEAN FOR
YOU?**

**YOU GET TO DO FOUR (4) HOURS OF
TRAINING ON ETHICS, OPEN MEETING
AND PUBLIC RECORDS LAWS!**

GIFTS

Section 112.3148, Florida Statutes (F.S.)



GIFTS

Section 112.3148, Florida Statutes

- Prohibits solicitation of certain gifts
- Prohibits acceptance of certain gifts



- Requires reporting of certain gifts
- Permits gifts from relatives without reporting

TO WHOM DOES THE GIFT LAW APPLY?

- Supervisors of Elections
- Any other staff member required by law to file financial disclosure (Form 1 or Form 6)

PROHIBITED GIFTS

Section 112.3148(4), F.S.

- A reporting individual cannot accept, directly or indirectly, a gift valued at over \$100 from a lobbyist, a vendor, or a political committee
- Reporting an impermissible gift will not cure its unacceptability
- There is no “public purpose” exception to the gifts law.



WHO ARE LOBBYISTS AND VENDORS

Lobbyist: Section 112.3148(2)(b)(1)

- Anyone who, for compensation, is seeking or has sought in the proceeding 12 months to influence the governmental decision-making of you or your agency.

Vendor: Section 112.3148(2)(f)

- A business entity doing business directly with your agency, such as renting, leasing, or selling any realty, goods, or services.

TRUST ME



I'M A LAWYER

memegenerator.net



WHAT IS A GIFT?

Section 112.312(12)(a), F.S.

Anything you get for which you did not
give equal or greater
consideration... within 90 days.

GIFTS MAY INCLUDE:

Section 112.312(12)(a), F.S.

- Tangible or intangible personal property
- Food or beverages
- Transportation
- Lodging
- Flowers and floral arrangements
- Entrance fees and tickets
- Preferential rates
- Membership dues
- Any other similar service or thing having an attributable value

GIFTS DO NOT INCLUDE:

Section 112.312(12)(b), F.S.

- Salary associated with private employment
- Campaign contributions reported pursuant to Chapter 106, F.S. or federal election law
- Awards in recognition of service



Awards & Recognition

Commission on Ethics Opinion

91-21

- SOE gets an invitation from a manufacturer of voting equipment in California to visit its factory while on other business in California.
- Visit to factory is in public interest and is a visit that would otherwise be paid by the County as an appropriate expense.
- SOE may NOT accept offer to pay for transportation, lodging, and meals* in excess of \$100, as that would be prohibited gift if they are a vendor or lobbyist.
- However, Section 112.3148(5) allows the manufacturer to pay the governmental entity that would otherwise bear the expense of the trip.

Commission on Ethics Opinion 08-2

- Attorney General's appearance in a public service announcement constituted a GIFT due to the free publicity and exposure received
- Whether it may be accepted and whether it must be reported is a function of two things: the identity of the donor and the value of the gift

GIFT VALUATION

Section 112.3148(7), F.S.

- Rules 34-13.500 and 34-13.510, Florida Administrative Code (F.A.C.)
- 90-day pay down provision in 112.3148(7)(b), F.S.
 - Lodging in private residence - \$44/night
 - Private transport – comparable commercial conveyance
 - Tickets - face value times number of tickets
 - Default - cost to donor minus tax/gratuities

**STUDENT
RUSH RETURNS**

ALL HOME GAMES
BEGINNING FRIDAY, NOV. 4



\$25 TICKET

BEST SEATS AVAILABLE AT TIME OF PURCHASE
BEGINNS 15 MINUTES PRIOR TO PUCK DROP.
FIRST COME, FIRST SERVE.

Must provide valid student ID or a Tampa Bay Lightning Student ID card to receive this offer. One ticket per student. All seats subject to availability. Some seats may not be available to this student discount. Valid only for regular season only.

TAMPABAYLIGHTNING.COM | 813.501.6600



THE THUNDER

REPORTING PERMISSIBLE GIFTS

Section 112.3148(8), F.S.

- Gifts over \$100 must be reported quarterly on CE Form 9 and filed with the Commission on Ethics.
 - This does not include gifts over \$100 from lobbyists or vendors, which are PROHIBITED
 - This does not include gifts from a “relative”, which is defined expansively in Section 112.312(21), F.S.
- 90-day pay down



**SO HE LEFT THE
BACON COMPLETELY
UNGUARDED ON THE
COUNTER?**

ENTRAPMENT

ANTI-NEPOTISM

Section 112.3135, F.S.

- DO NOT:
 - Appoint
 - Employ
 - Promote
 - Advance

a relative to any position over which you exercise control.

WHO IS CONSIDERED A RELATIVE?

“Relative,” for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Commission on Ethics Opinion 94-39

Anti-nepotism law prohibits the promotion of the SOE's son-in-law, even though the prohibited relationship came into existence after the employee's initial hiring and would not require his discharge.

ANTI-NEPOTISM HAZARDS

- Applies regardless of whether public officer or employee participates in the vote to hire the relative
- Applies regardless of whether the position is paid or unpaid

ANTI-NEPOTISM TIPS

- Relatives may work in the same office and even supervise each other
- Statute does not apply to independent contractors who are not employees of one's agency

Lawyer Cat

**Objects to
everything**



HONORARIA LAW

Section 112.3149, F.S.

- Implicated when you are asked to give a talk
- Like Section 112.3148, F.S., this applies to lobbyists, vendors, political committees and certain others
- Unlike Section 112.3148, F.S., this has no monetary threshold
- “Honorarium” means a payment of money or other value for an oral presentation or a writing



HONORARIA LAW

- Reporting individual cannot SOLICIT an honorarium related to their public duties from anyone
- Honorarium = money or anything of value
- Reporting individual cannot ACCEPT an honorarium from a lobbyist, principal/partner/firm of a lobbyist, political committee or vendor

THE HONORARIA LAW DOES ALLOW:

- The acceptance of **actual and reasonable** honorarium event-related expenses for both self and spouse such as:
 - Transportation
 - Lodging
 - Food and beverages
 - Registration fees
- Must disclose such expenses annually by July 1 on Form 10

**THEY PUNISHED YOU FOR
BARKING?**

**APPARENTLY THEY'VE NEVER
HEARD OF THE FIRST AMENDMENT**



MISUSE OF PUBLIC POSITION

Section 112.313(6), F.S.

A public officer or agency employee cannot:

- “Corruptly” use or attempt to use
- public position or resources
- to obtain a special benefit or privilege
- for oneself or others



“Corruptly” is defined in Section 112.312(9) as:

... done with a **wrongful intent** and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.



Misuse of public position does NOT include:

- Mismanagement
- Government waste
- Negligent acts

Commission on Ethics Opinion 99-8

- Letter of recommendation written by Circuit Court Clerk does not violate Ethics Code, so long as there is no quid pro quo, such as a campaign contribution, and there is no benefit to the Clerk other than gaining the incidental goodwill of the constituent
- Same conclusion if:
 - The stationery used is purchased with Clerk's own personal funds and identifies writer as Clerk
 - The stationery used is official Clerk's stationery and public resources are used

Commission on Ethics Opinion 91-38

- City Council member's use of stationery similar to the City's official stationery for campaign, fund-raising, and other personal purposes does not violate Ethics Code.
- Commission discusses situations where such use could potentially constitute misuse of public position, such as if the letter was sent to settle a strictly private dispute with a debtor or creditor

Commission on Ethics Opinion 07-24

- Sheriff's Office employee would not misuse his public position were he to wear his uniform and equipment while campaigning for Sheriff where:
 - Sheriff not seeking reelection
 - Potential candidates are sworn officers who are considered "on call" 24/7
 - Wearing uniforms at campaign events will be done with permission of Sheriff
- In order to be corrupt within the meaning of the law, actions must be inconsistent with the proper performance of public duties and actions must be wrongful. (*Blackburn v. State Commission on Ethics*, 589 So. 2d 431 (Fla. 1st DCA 1991))

ETHICS TOPICS NOT COVERED TODAY!!

- Doing business with one's own agency
- Conflicting employment or contractual relationships
- Disclosure or use of certain information
- Post office holding restrictions
- Voting conflicts
- Commission procedures on ethics complaints and referrals
- Process for obtaining advisory opinions rendered by the Commission on Ethics

TRAINING RESOURCES

<http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf>

<http://www.ethics.state.fl.us/Training/Training.aspx>

http://iog.fsu.edu/events/online_training/index.html

LET'S GO LIGHTNING!!!!

