

**Section:** 6.44

**Subject:** Code of Ethics

**Authority:** Chapter 112, F.S.; Governors Executive Order 07-01,  
January 3, 2007

**Policy:**

FWC employees shall understand and adhere to the Code of Ethics as established by Florida law and shall adhere to any applicable additional ethics requirements established in this policy. FWC shall promote the highest ethical standards for all FWC employees.

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**Procedure:**

**6.44.1 Designation of Ethics Officer**

The General Counsel is designated as the Chief Ethics Officer for the FWC. The General Counsel and the Attorneys of the Legal Office will make reasonable efforts to ensure that the employees responsible for adhering to the Code of Ethics become familiar with relevant ethics requirements.

**6.44.2 Definitions**

- A. Employee** - Someone employed by the FWC full-time or part-time, whether as an FTE or OPS
- B. Reporting Individual** – As Defined by s.112.3148(2)(d) means any state official or specified state employee who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file

**Highlights of Code of Ethics Policy**

1. All employees shall adhere to the Code of Ethics requirements relating to gifts and compensation, and employment, and business and contractual relationships.
2. FWC employees shall not solicit or accept a gift if the gift is given with the understanding that it will influence the employees' official actions or if by accepting the gift the employee should know, by exercising reasonable care that it was given to influence his or her official action.
3. Reporting individuals and certain procurement employees are subject to special gift limitation policies by this IMPP. These special requirements are not applicable to members of collective bargaining units.
4. There are Code of Ethics restrictions for former employees as to contractual relationships and representation of persons before the agency.
5. In all actions and relationships, FWC employees should strive to avoid any appearance of impropriety.
6. This IMPP is linked to specific statutory provisions, rules and opinions to help inform employees of the requirements of the Code of Ethics policy

full or limited public disclosure of his or her financial interests. FWC reporting individuals include: Commissioners, Executive Director, Assistant Executive Director, General Counsel, Deputy General Counsel, Assistant General Counsel (includes Senior Attorneys and Staff Attorneys), Division Director, Assistant Division Director, Deputy Division Director, Section Leaders, Business Managers, Procurement Employees and Purchasing Agents, Human Resource Officers, Finance and Accounting Directors and Grants Coordinators.

- C. Relative** – As defined by s.112.312(21) means an individual who is related to a public officer or 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 public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.
- D. Procurement Employee** - As defined by s. 112.3148(2)(e) means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.
- E. Purchasing Agent** - As defined by s. 112.312(20) means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- F. Select Exempt Employee** - As defined by s. 110.205(2)&(5).
- G. Senior Management Employee** - As defined by s. 110.205(2)&(5).
- H. Gift** - As defined by s.112.312(12)(a)(b) and means, for purposes of ethics in government and financial disclosure required by law, that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other

means, for which equal or greater consideration is not given within 90 days. . .”

- I. **Lobbyist** - Someone who for compensation lobbies before the executive branch ( s.112.3215 (1)(h) or legislative branch.(s.11.045(1)(h)). Lobbying before the executive branch means trying to influence governmental decision making in the area of policy or procurement. (s. 112.3215(1)(f)). Legislative lobbying means influencing or attempting to influence legislative action or nonaction by communication or an attempt to obtain the goodwill of a member of the legislature. (s.11.045(1)(f)).
- J. **Honorarium** - As defined by s.112.3149(1)(a) and means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:
  - 1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.
  - 2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

#### **6.44.3 Avoiding Appearance of Impropriety**

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.

#### **6.44.4 Statutory Code of Ethics Section 112.313, F.S.;**

The Statutory Code of Ethics applies to public officers, reporting individual, procurement employees and in some cases to all employees. The Commissioners are “public officers” under Florida law. A “reporting individual” is defined as any individual who is required by law to file limited or full disclosure of financial interests. Commissioners, Senior Management and Select Exempt positions are classified as reporting individuals. Certain prohibitions and restrictions of the Code of Ethics, such as prohibitions on the solicitation and acceptance of gifts from lobbyists, apply only to public officers, reporting individuals and procurement employees. Other requirements of the Code, such as prohibitions on conflicting relationships and accepting anything of value when it is to influence official decision-making, apply to all employees.

- A. The standards of conduct for public officers and employees of agencies is set forth in Section 112.313, F.S. These standards are

applicable to all FWC employees, whether full time or part time, whether employed as an FTE or under OPS.

**1. Solicitation or acceptance of gifts (s. 112.313(2), F.S.)**

A public officer or employee may not solicit or accept anything of value from anyone based on the understanding that the receipt of that thing would influence the public officer's or employee's official action.

**Comment:** This provision prohibits a public employee from accepting any gift, such as a free meal, which is based upon the understanding that his official action or judgment would be influenced. See, CEO 80-27 (April 17, 1980).

There are no Commission on Ethics cases finding that by accepting one meal or by attending one reception an employee violates this provision; the value of the gift is a factor in determining intent to influence. The larger the value of the gift, the more difficult it should be to justify it being given for any reason except to influence. See, CEO 80-27. While a single gift of low value may not meet the "influence test", the cumulative effect of many gifts from the same donor will be considered.

**2. Unauthorized compensation (s. 112.313(4), F.S.)**

A public officer or employee may not knowingly accept anything of value from anyone when the public officer knows or, with the exercise of reasonable care, should know that the thing of value was given to influence the public officer's official action.

**Comment:** The Commission on Ethics has found a violation of this provision in cases where a public official attended a lobbyist-provided hunting trip, a lobbyist-provided fishing trip, accepted of a free country club membership and where university officials were offered a gift card for free meals from a food service vendor. See, In re Frank Messersmith 15 F.A.L.R. 4432 (hunting trip); In re Winston W. Gardner 15 F.A.L.R. 2595 (fishing trip); In re James Barker 16 F.A.L.R. 4059 (country club membership); In re Robert Hildreth 16 F.A.L.R. 4085 (country club membership); In re Robert Zahner 16 F.A.L.R. 4098 (country club membership); and CEO 80-27 (meal card). As stated above, a single gift of low value such as food and beverages consumed at a reception may not violate the influence standard; but the cumulative impact of many such gifts should cause an employee to consider whether influence is being exerted.

**Comment:** Under this provision, a contractor or vendor shall not give and an employee shall not accept any gratuity which is or which could be perceived to be for purposes of influencing an employee's action or decision so as to benefit a contractor or vendor or which violates the employee's public duty." A "gratuity" means any payment of more than a nominal monetary value, in the form of but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind.

**3. Prohibited Employment and Business Relationships (s. 112.313(3), F.S. and s. 112.313(7), F.S.)**

**Conflicting Employment or Contractual Relationships**

- a. A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency (s. 112.313(7), F.S.)
- b. A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between private interests and public duties or which will impede the full and faithful discharge of public duties. (s. 112.313(7)(a) & (b), F.S.)
- c. A state 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 his agencies contract for services is prohibited from being employed with a person holding such a contract with his or her agency. (s.112.3185(2), F.S.)
- d. In limited circumstances, a finding of conflicting employment or contractual relationship may not be found if a contract is awarded under a sealed bid and the employee who is dual employed with that contractor (or an employee seeking dual employment approval to work for the contractor) has in no way participated in the determination of the of the bid award, has not attempted to influence the award of the bid, and the employee or applicant for dual employment (if known) has disclosed his connection and/or interest in the business to the immediate supervisor. Activities which involve wild animal life, freshwater aquatic life or marine life shall be reviewed on an individual basis for dual employment consideration by the Division/Office/Institute director. If the dual employment to be performed is in an area over which

the employee has regulatory, management or research responsibility, the dual employment may be deemed a conflict of interest (See (3)(e) below). Staff in the Legal Office and the Chief of Personnel shall assist the director in making a determination upon request.

### **Employees with Regulatory Responsibilities**

- e. Each employee who has regulatory responsibility (defined as the authority to determine whether or not an entity is in compliance with federal or state laws or regulations, or the authority to determine if a permits, licenses or other forms of authorizations issued by the Commission should be granted, denied, suspended or revoked; or authority to approve purchases from an entity) shall be subject to the following procedures and requirements. An entity is defined as any individual, business for profit or not-for-profit, utility, or organization, whether public or private, doing business with or subject to regulation by the employee in the performance of his/her duties.
- (1)** Each employee exercising regulatory responsibility shall, within five working days of making application for employment with an entity, report to the agency in writing that such application has been made.
  - (2)** Each employee exercising regulatory responsibility who receives an offer of employment or for a contractual relationship for remuneration from an entity shall report such offer in writing to the agency within five working days of receipt of such offer.
  - (3)** Any employee who receives a gratuity from an entity which he has regulatory responsibility, the value of which is more than nominal in value, shall report such gratuity in writing to the agency within five working days of receipt of the gift; provided, however, that no employee shall accept any gratuity, more than nominal in value, which is or which could be perceived to be for purposes of influencing an employee's action or decision so as to benefit the outside employer or contractor or which violates the employee's public duty.
  - (4)** Each employee who has regulatory responsibility shall be made aware of the regulatory responsibilities of his/her position and any statutory provisions applicable to the standards of conduct for such employee by the immediate supervisor.
  - (5)** By signing the statement acknowledging receipt of this policy, the employee understands the obligations

imposed as reflected above to report any application for or offer of employment or a contractual relationship for remuneration with an entity. Pursuant to section 112.3145, F.S., specified state employees and state officers appointed to or employed by the Commission are required to file financial disclosure statements with the Secretary of State no later than July 1 of each year. The Chief of Personnel is designated by the Executive Director to notify each newly appointed state officer or specified state employee, no later than the date of appointment, of the officer's or employee's duty to comply with the disclosure requirement of this law.

### **Doing Business With One's Agency**

- f.** A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting or leasing any realty, good, or services for his or her agency from a business entity in which the officer or employee, his or her spouse, or child own a material interest, that is more than a 5% interest. (s.112.313(3), F.S.)
- g.** A public officer or employee, acting in a private capacity, also is prohibited from renting, or leasing or selling any realty, good, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. (s. 112.313(3), F.S.)
- h.** An agency employee acting in an official capacity may not procure contractual services for his or her agency from any business of which a relative is an officer, partner, director or proprietor or in which the employee or his or her spouse or child has a material interest, that is, a direct or indirect ownership of more than 5%. (s. 112.3185(6), F.S.)

### **Exemptions**

- i.** There are numerous exemptions from the prohibitions against doing business with one's agency and having conflicting employment which are specified in detail in s. 112.313(12), F.S.
- 4.** Misuse of public position (s.112.313 (6), F.S.): A public officer or employee is prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.

5. Improper disclosure or use of certain information (s. 112.313(8), F.S.): Public officers and 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.
  6. Post employment restrictions (s. 112.313(9), F.S.), (s. 112.3185(3)(4), F.S.):
    - a. An agency employee, including employees whose positions were transferred to select exempt status in 2001, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation from position. (s. 112.313(9)(a)4, F.S.). There are a number of exceptions to this prohibition: employees employed by other state agencies; persons employed by a state agency or the legislature on July 1, 1989; a person who reached normal retirement age and who was retired as of July 1, 1991; a state officer whose term of office began before January 1, 1995 unless reappointed after that date.
    - b. An agency employee may not after retirement or termination have an employment or contractual relationship with any business entity, other than an agency, in connection with any contract with which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice or investigation while an officer or employee. This prohibition may be waived by the agency head under certain circumstances. (s.112.3185 (3), F.S.)
    - c. An agency employee may not within two years after retirement or termination, have any employment or contractual relationship with any business entity, other than an agency, in connection with any contract for contractual services which was within his or her responsibility while an employee. This prohibition can be waived under certain circumstances by the agency head. (s. 112.3185(4), F.S.)
    - d. In the first year after cessation of employment, a former agency employee may not be paid by contract an amount that exceeds his or her annual salary at the time of separation of employment. (s. 112.3138(5), F.S.)
- B. Specific ethical restrictions applicable to reporting Public Officers, Reporting Individuals, and Procurement Employees.**
1. Accepting payments or expenditures from lobbyists of the executive and legislative branches of government (s.11.045 (4), F.S and s.112.3215(6).): Reporting individuals are prohibited from accepting



anything of value made by a lobbyist or a principal of a lobbyist made for purposes of lobbying.

**Comment:** Under this provision, “lobbying” means influencing or attempting to influence legislative or executive action through oral or written communications or attempting to obtain *goodwill* of a reporting individual. “Anything of value” includes a meal. Note that this prohibition controls notwithstanding any allowances of the receipt of gifts from lobbyist contained in s.112.3148 and s.112.3149.

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

- a. 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).
- b. 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?
- c. Does a lobbyist or principal control who receives the benefit of the thing of value?
- d. 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?
- e. 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 a-e 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 a-e is “no,” then the employee may attend the event or accept the thing of value unless he/she knows or has reason to believe that the arrangement is a subterfuge for an otherwise prohibited expenditure.

2. Soliciting gifts for personal benefit or the benefit of relatives. (s.112.3148(3), F.S.): A reporting individual or procurement employee is prohibited from soliciting any gift from a lobbyist who lobbies the individual’s agency or from a political committee where the gift is for the personal benefit of the reporting individual or his or her spouse, parents or children.
3. Accepting gifts from lobbyist in excess of \$100. (s.112.3148 (4), F.S.): A reporting individual or procurement employee (RIPE) is

prohibited from accepting a gift from a lobbyist who lobbies the individual's agency or from a political committee if the gift is in excess of \$100.

**Comment:** Theoretically, under this statutory provision, a RIPE may accept a gift from a lobbyist if it is less than \$100 and not made for purposes of lobbying. However, under the additional ethical requirements of IMPP 6.44.5, a RIPE may not accept such a gift regardless of value or purpose. However, a gift from a lobbyist can be accepted on behalf of the agency provided that the gift remains in the custody of the agency. A reporting individual or procurement employee can accept gifts from other branches of government if it is for a public purpose e.g. retirement recognition.

4. Soliciting an honorarium. (s.112.3149, F.S.):
  - a. A reporting individual or procurement employee is prohibited from soliciting an honorarium which is related to individual's public office or duties who lobbies the individual's agency or a political committee.
  - b. A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a lobbyist who lobbies the individual's agency or from a political committee.

**Comment:** If an illegal honorarium is paid or received it must be reported by the lobbyist or the individual receiving it. This provision does not prohibit lawful honorariums for public speaking or publications for reporting individuals or procurement employees.

**Comment:** 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 their chief ethics officer.

5. Salary and expenses (s. 112.313(5), F.S.): No public officer is prohibited from voting on a matter affecting his or her salary, expenses or compensation as an officer as provided by law.

- C. Agency employees should report suspected ethical violations directly to the FWC Inspector General's Office. Employees are encouraged to contact the Chief Ethics Office/General Counsel for questions about their responsibilities under the Code of Ethics.

**6.44.5 Additional Ethics Requirements for FWC Reporting Individuals and Procurement Employees Above and Beyond the Florida Statutory Ethics Code (Based upon the Governor’s Code of Ethics Policy, effective January, 2011)**

- A. A “reporting individual” or certain “procurement employees,” may not solicit any gift, regardless of its value, if the gift is for the personal benefit of themselves, their family, or another employee.
- B. A “reporting individual” or certain “procurement employees,” may not 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.
- C. A “reporting individual” or certain “procurement employees,” may not accept any thing of any value from a non-lobbyist where the employee knows or reasonably should know that the value exceeds \$25.
- D. The additional ethical requirements of this provision are not applicable to employees who are members of collective bargaining units.

**E. Prerequisites to Accepting any Gift**

No gift (regardless of its value) can be accepted until the reporting individual or procurement 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. **If the gift is not being given by a lobbyist or the principal of a lobbyist, is it being given or accepted with the intent that the employee’s official action or judgment would be influenced by the gift?** If the answer to this question is “yes,” the gift (even if valued at under \$25.00) CANNOT be accepted. If the answer to this question is “no,” proceed to Question No. 3.
3. **Does the employee know, or with the exercise of reasonable care should know, that the gift is being given to influence his/her official action?** If the answer to this question is “yes,” the gift (even if valued at under \$25.00) CANNOT be accepted. If the answer to this question is “no,” proceed to Question No. 4.
4. **Is the value of this gift less than \$25.00?** If the answer is “yes,” the employee must proceed to Question No. 5. If the answer to this question is “no,” the employee must proceed to Question No. 6.
5. **Has the employee accepted multiple, repeated gifts (even if nominal in value) from the same source, such that the gifts taken in the aggregate lend themselves to the appearance that they are a circumvention of the prohibition against gifts?** If the answer is “yes,” the gift CANNOT be accepted. If the answer is “no,” the gift CAN BE accepted.
6. **Does the gift, valued at over \$25.00, meet one of the exceptions listed herein?** If the answer is “no,” the gift CANNOT

be accepted. If the answer to this question is “yes,” the gift CAN BE accepted, unless Question No. 3 is answered “yes.”

**Exceptions to the gifts prohibitions:**

- gifts from relatives (not from lobbyist or principals of lobbyist);
- gifts from friends (not lobbyist or principals of lobbyists, or persons with or seeking a financial or contractual interest with the agency);
- food and beverages consumed at receptions (not provided by lobbyists or principals of lobbyists);
- gifts from nonprofits for a public purpose (not lobbyist or principal of lobbyists);
- gifts to the agency.

**Comment:** While not addressed by the Governor’s policy or Commission on Ethics opinions, this IMPP provision would not prohibit Commissioners, who may be lobbyists or principals of lobbyists, from giving to FWC staff food or beverages (such as receptions), nor would the IMPP prohibit FWC staff from receiving food or beverages from Commissioners or giving Commissioners food or beverages. The Legislative Interim Guidelines dated January 20, 2006 issued pursuant to Chapter 2005-359; Laws of Florida indicate that if a Legislator sits on the board of any organization, he may accept food and beverages from the organization.

Consult with the Chief Ethics Officer on the application of these exceptions.

**6.44.6 Reporting Requirements**

- A. Anytime a public officer or reporting individual accepts a gift valued at over \$100 from anyone other than a relative, the public officer must describe the gift, list from whom the public officer received the gift, the date the public officer received the gift, and list the value on a “Quarterly Gift Disclosure” (Commission on Ethics Form 9) and file that form by the end of the next quarter (gifts that must be reported on Commission on Ethics Form 10, discussed below, do not need to be included on this form).
- B. Anytime a public officer or reporting individual receives a gift valued at over \$100 and that gift is from a public entity, the public officer must list that gift on an Annual Gift Disclosure (Commission on Ethics Form 10).
- C. Anytime a public officer or reporting individual receives a gift valued at over \$100 from the Commission’s direct-support organization, the Wildlife Foundation of Florida, the public officer must list that gift on an Annual Gift Disclosure (Commission on Ethics Form 10)

**6.44.7 Dual Employment (See IMPP 6.6)**

#### **6.44.8 Anti-Nepotism Requirements (s. 112.3135, F.S.)**

- A.** A public official may not appoint, employ, promote, or advance for appointment, employment, promotion or advancement to a position in the agency in which the official is serving or over which the official exercises control any individual who is a relative of the public official.
- B.** An individual may not be appointed, employed, promoted or advanced in or to a position in an agency if such action is made by a collegial body of which a relative of the individual is a member.
- C.** The Commission reserves the right to determine in all cases if a close enough familial relationship exists to prohibit a supervisory relationship.

**Comment:** See Ethics Opinion **CEO 98-02 (1/22/98)**

#### **6.44.9 Voting Conflicts**

- A.** No state public officer is ever prohibited by law from voting in their official capacity on any matter unless there is, or there appears to be, a possible conflict of interest. Section 112.3143 and 286.012, F.S. Where there is, or appears to be, a possible conflict of interest the public official may abstain from voting. See George v City of Cocoa, 78 F.3d 494 (11<sup>th</sup> Cir. 1996). When the public officer chooses to vote or otherwise participate, law requires disclose of the potential conflict in the following three situations:
  - in any matter that would benefit or detriment the officer directly,
  - in any matter that the officer knows would directly detriment or benefit the officer's principal, or
  - in any matter that the officer knows would directly detriment or benefit the officer's relative or business associate.
- B.** Whether or not the public officer votes in any of those three situations, the public officer must disclose the potential conflict if the officer attempts to influence the decision either directly or indirectly and by either oral or written communication. See Section 112.3143 (4), F.S. Such disclosure should be made by filing a "Memorandum of Voting Conflict for the State Officers" (Commission on Ethics Form 8A) prior to the public officer's participation in the matter. See Section 112.3143, F.S.; Rule 34-7.010, F.A.C. The completed Form should be filed with the person who is responsible for recording the minutes of the meeting, who shall incorporate the memorandum into the minutes of the meeting at which the matter is discussed. See Section 112.3143, F.S.
- C.** If the public officer does not attempt to participate as described above, but votes in any of those three situations, the public officer must still disclose the potential conflict, but disclosure should be made orally at the meeting and the Form 8A should be filed within 15 days after the meeting in the same manner as described above. See Section 112.3143, F.S.

#### **6.44.10 Political Activities**

- A.** A career service employee may be a candidate for and hold public office while in the employment of the state only if authorized by the agency head and approval by the Department of Management Services as involving no interests which conflicts or activity which interferes with his or her state employment. There are procedures to follow in seeking authorization to run for or hold office set forth in section 110.233(4)(a); Rule 60L-36.002.
- B.** An employee may not take an active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. Section 110.233(4)(d);
- C.** Employees whose positions are subject to the Hatch Act, that is, positions which are financed in whole or in part by loans or grants made by the United States or a federal agency, may not be a candidate for public office in a partisan election, use official authority or influence to interfere with or affect the results of an election or nomination, or directly or indirectly coerce contributions from subordinates in support of a political party or candidate. However, employees subject to the Hatch Act may run for office in non partisan elections, campaign for and hold office in political clubs or organizations, actively campaign for candidates for public office in partisan and non partisan elections, or contribute money to political organizations and attend political fundraising functions.
- D.** Elected or appointed officers and sworn law enforcement officers may not qualify as a candidate for another public office the term of which runs concurrently with each other, without resigning from the office he or she presently holds. Section 99.012, F.S.
- E.** A public employee is prohibited from being a member of the governing body which serves as his or her employer. (s. 112.313(10), F.S.)

#### **6.44.11 Penalties**

There are no criminal penalties for violation of the Code of Ethics. Penalties for violations of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary, restitution and a civil penalty not to exceed \$10,000. s. 112.317(1)(2), F.S. The penalties prescribed in the Code of Ethics do not prohibit an agency from disciplining its officers or employees for violations of the Code of Ethics. s. 112.317(3)(b), F.S.

#### **6.44.12 Ethics Opinions**

The following is a summary of opinions of the Commission on Ethics relating to FWC and its predecessor agencies:

- [CEO 77-142 \(8/24/77\)](#): No conflict of interest for GFC to purchase land from a chairman of a bank on whose board is a commissioner of GFC.

- [CEO 84-96 \(10/18/84\)](#): Member of the Non-game Advisory Council is not a state officer for purposes of reporting financial interests.
- [CEO 85-01 \(1/24/85\)](#): There is a violation of the Code of Ethics if a wildlife biologist takes outside employment to perform consulting work on deer populations on private lands.
- [CEO 86-69 \(9/17/86\)](#): No conflict or violation of the Code of Ethics for a GFC fish management specialist to bid on a lake management contract which he had no role in developing, to resign if he receives the contract, provided he receives a waiver of the contract payment limitation provision of [s. 112.3185\(5\), F.S.](#)
- [CEO 87-37 \(6/11/87\)](#): A prohibited conflict of interest exists if a GFC law enforcement officer were to take outside employment as a taxidermist.
- [CEO 87-73 \(9/16/87\)](#): GFC biologist may accept outside employment as a realtor but may not accept outside employment as a consultant and supplier for private landowners for wildlife management services.
- [CEO 88-76 \(12/1/88\)](#): A law enforcement officer for GFC cannot accept outside employment providing security services for private landowners and hunting clubs within the officer's assigned area of enforcement.
- [CEO 90-50 \(7/27/90\)](#): GFC Commissioner could participate in GFC's private alligator harvest program on his land only if he did not sell alligator hides, meat or parts.
- [CEO 95-03 \(1/30/95\)](#): An officer of the Florida Marine Patrol cannot operate a marina, which includes a general store and camp ground.
- [CEO 98-02 \(1/22/98\)](#): Sons of GFC Commissioner who are law enforcement officers for GFC could only receive ministerial promotions to sergeant or lieutenant, but could not receive discretionary promotions.
- [CEO 04-04 \(3/25/04\)](#): Potential conflict of interest if a FWC biologist, whose job involves birds, takes outside employment with a water management district to map and describe the vegetation structure of a wood stork colony.
- [CEO 04-14 \(7/27/04\)](#): No violation of Code of Ethics if a member of a local manatee rule review committee is employed by a manatee conservation organization.

History: Est.: 09/23/2012; Revised: 02/24/2014

**APPROVED:**

**Eric Sutton**  
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 Executive Director or Designee

**February 24, 2014**  
 \_\_\_\_\_  
 Date