

Board of County Commissioners

Escambia County, Florida

Title: Escambia County Code of Ethics – Section II; C. 26
Date Adopted: November 20, 2008
Effective Date: November 20, 2008
Reference: Part III of Chapter 112, Florida Statutes
Policy Superseded: March 18, 2004, December 6, 2007

Escambia County Code of Ethics Policy

As authorized under the State of Florida Code of Ethics, the Escambia County Board of County As authorized under the State of Florida Code of Ethics, the Escambia County Board of County Commissioners hereby adopts a County Code of Ethics Policy for Escambia County government in accordance with Part III of Chapter 112, Florida Statutes “Code of Ethics For Public Officers and Employees”. All public officers and employees of the Board of County Commissioners will conduct County business pursuant to the Escambia County Code of Ethics Policy in addition to the statutory regulations set out in Part III, Chapter 112, Florida Statutes.

The proper operation of democratic County government requires that its public officers and employees be independent, impartial, and responsible to the people; that County decisions and policy be made through proper channels of the governmental structure; that public office must not be used for personal gain; and that the public have confidence in the integrity of its County government. In recognition of these goals, an Escambia County Code of Ethics Policy for all Public Officers and employees is established.

A. Persons Governed by the Escambia County Ethics Code Policy

1. Public Officers

- a. A “public officer” is defined in Sections 112.313(1) and 112.3143(1)(a), Florida Statutes to include persons “elected or appointed to hold office in Escambia County, including any person serving on an advisory body.”
- b. Examples of such elected and appointed public officers include members of the Board of County Commissioners, Board of Adjustment, and Planning Board.

2. Public Employees

- a. The term “employee” “is not defined in the State Code of ethics, but the First District Court of Appeal has applied in an ethics context the same definition of “employee” as is used in tort actions. Wright v. Commission on Ethics, 389 So.2d 662 (Fla. 1st DCA 1980).
- b. Examples of such employees include the County Administrator, County Attorney, and all other salaried or hourly workers employed by Escambia County.
- c. “Independent contractors” hired by the County are not employees and therefore are not governed by provisions in this policy that are applicable to public employees.

3. Candidates for Public Office

“Candidates” for public office (defined in Section 112.312(6), Florida Statutes to mean any person who had filed financial disclosure and qualification papers, has taken the candidate’s oath, and seeks to become a public officer by election) are subject to a limited number of ethical provisions; and successful former candidates who have not yet taken office are subject to the gifts law contained in Section 112.3148, Florida Statutes.

B. State Code of Ethics

All County public officers and employees shall be required to become familiar with the provisions of Part III, Chapter 112, Florida Statutes, including but not limited to the following sections:

1. Section 112.313, Florida Statutes. This section establishes the standard of conduct for public officers and employees of the County. It sets out the standards which must be followed in any official business conducted by public officers or employees of the County, including such matters as the solicitation or acceptance of gifts, doing business with one’s agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationships, disclosure or use of County information and certain other matters.
2. Section 112.3135, Florida Statutes. This anti-nepotism section prohibits a public officer from appointing, employing, promoting, or advancing or advocating the appointment, employment, promotion, or advancement of a relative. It does not prohibit two relatives from being employed within the County at the same time. “Relative,” for purposes of this section only, with respect to a public officer, means an individual who is related to the public officer 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.
3. Section 112.3143, Florida Statutes. This section governs public officers who are elected or appointed to hold office in the County, including any person serving on an advisory board. It forbids any County public officer voting in his or her official capacity upon any measure which would inure to his or her special private gain or loss and provides such voting conflicts.
4. Section 112.3144, Florida Statutes. This section requires the full and public disclosure of the financial interests of certain County public officers as specified herein. It establishes the procedure for such filing and the fines for failure to timely file as required.
5. Section 112.3145, Florida Statutes. This section requires that County public officers file disclosures of their financial interests and clients represented before the Board of County Commissioners and other boards and committees. It governs such persons as the members of the Board of County Commissioners, the County Administrator, County Attorney, and other county employees such as the Purchasing Manager, the administrator with the power to grant land development permits; i.e., County Engineer, Chief Building Official; i.e., Director of Building Inspections, County Pollution Control Director and County Environmental Control Director; i.e., Director of Neighborhood and Environmental Services, Members of Planning Board and Board of Adjustment, and Fire Chief.
6. Section 112.3147, Florida Statutes. This section is applicable to all County public officers and employees, who are required to file disclosures with the State Commission on Ethics, to use certain forms as provided by the Commission.

7. Section 112.3148, Florida Statutes. This section governs certain County public officers and employees filing full or limited public disclosure of the financial interests. It defines who a lobbyist is and sets out the reporting and receipt of gifts procedure by individuals filing full or limited public disclosure of financial interests and by procurement employees.
8. Section 112.3149, Florida Statutes. This section deals with the solicitation and disclosure of honoraria. It defines honoraria and how such honoraria may be accepted and reported to the Commission on Ethics.
9. Section 112.3151, Florida Statutes. This section provides for the extension of time for filing certain disclosures. It states the Commission on Ethics may grant for good cause, on an individual basis, an extension of time for filing any disclosure required under the State Code of Ethics.
10. Section 112.317, Florida Statutes. This section provides for the State penalties that County public officers or employees may face for violation of the State Ethics Code.

C. Standards of Conduct

The conduct of all public appointed officers and employees shall be measured by the standards set out in Part III, Chapter 112, Florida Statutes, and by those additional standards adopted by the County that require a higher standard of conduct than permitted under the State Code of Ethics, including but not limited to the following:

1. *Personal Interest in County Contract or Transaction.* No County public officer or employee having the power or duty to perform an official action related to a County contract or a transaction shall:
 - a. Have or thereafter acquire any interest in such a contract or transaction, or
 - b. Have an interest in any business entity representing, advising, or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction, or
 - c. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction, or
 - d. Have solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except as otherwise allowed in the State Code of Ethics.
2. *Disclosure or use of Certain Information.* No public officer, employee of an agency, or local government attorney shall disclose or use information not available to members of the general public and gained by reason or his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
3. *Withholding of Information (Required Disclosure).*
 - a. No public appointed officers or employees shall withhold any information when the officer or employee knows, or reasonably should know, that a failure to disclose may impair the proper decision making of any County boards, authorities, agencies or committees. In addition to the requirements of Chapter 112, Part II, Code of Ethics for

Public Officers and Employees, members of subordinate boards and committees, and any of the County's employees who are recommending the approval or denial of a recommendation for any official action shall, prior to any such action, disclose any recent (within the last 90 days) or ongoing business, financial, or investment relationship or interest that may, in the context of the proposed official motion, reasonably be deemed to create the appearance of impropriety.

- b. Employees classified as Senior Executive Service I or II shall be required to comply with the financial disclosure requirements established pursuant to Section 112.3145, Florida Statute (2007), including any appointed public officer or employee in the Senior Executive Service who does not have an independent obligation to make such financial disclosure under that section. For any SES employee who does not have an independent obligation to make this financial obligation under state law, disclosure shall be made on the Statement of Financial Interest form (attached to this policy). Disclosure shall be made on an annual basis but shall not be made later than July 1 of each year. The County Ethics Officer shall ensure that disclosure forms and all necessary instructions for compliance are available and that members of the Senior Executive Service have adequate time to complete the disclosure forms. The County Ethics Officer shall be the custodian of records for any disclosure forms that are not required to be sent to the State of Florida Commission on Ethics.
4. Public Property. No County public officer or employee shall request or permit the unauthorized use of County-owned vehicles, equipment, materials, or property.
5. Special Treatment. No County public officer or employee shall grant any special consideration, treatment, or advantage to any person, group or organization beyond that which is available to every other person, group or organization in the same or similar circumstances.
6. Payment of Debts. All public officers and employees shall settle, in a timely fashion, business accounts between them and the County, including the payment of taxes.
7. Gifts and Gratuities. Appointed public officers and employees shall not directly solicit any gift or accept or receive any gift – whether it be money, services, loans, travel, entertainment, hospitality, a promise, or in any other form – under circumstances where it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties, or the gift was intended to serve as a reward for any official action on their part. Furthermore, no County employee shall receive any gifts from organizations, business concerns, or individuals that are lobbyists or vendors that have a business relationship with the County if such gift has a value over \$50.00.

The following shall not be deemed a violation of the limitations this Policy imposes as it relates to gifts and gratuities over \$50.00:

- a. Legitimate salary, benefits, fees, commissions, or expenses associated with a public officer's or employee's non-public business;
- b. An award, plaque, certificate, memento, or similar item given in recognition of the public officer's or employee's civic, charitable, political, professional, or public service;
- c. Food, beverages, and registration at group events to which all similarly situated employees or public officers are invited;
- d. Actual and reasonable expenses, as set out in the County travel policy, for food, beverages, travel, lodging, and registration for a meeting which are provided to a public officer or employee so that he or she may participate in or speak at a meeting or conference or similar event;

- e. A commercially reasonable loan offered to the public at large and made in the ordinary course of business;
 - f. Promotional items generally distributed free to public officers or employees by County vendors;
 - g. Gifts from a relative (father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law) of the appointed officer or employee.
8. Gift Reports. All reporting individuals, including County Commissioners, County Attorney, County Administrator, Purchasing Manager, the administrator with the power to grant land development permits, i.e., County Engineer, Chief Building Official, County Pollution Control Director and County Environmental Control Director; i.e., Director of Neighborhood and Environmental Services, members of Planning Board and Board of Adjustment, and Fire Chief, who receive a gift shall report that gift in the manner provided by Section 112.3148, Florida Statutes.
9. Outside Employment. County employees may engage in outside employment, subject to the following restrictions:
- a. County employees may not render services for outside interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their duties; and
 - b. County employees may not use County property or resources to assist or promote the outside employment, service or business; and
 - c. County employees may not use any portion of time spent working for the County to assist or promote such outside employment, service, or business.

Furthermore, all County employees seeking to engage in private employment must complete the certification form (attached to this policy) that: 1) discloses the identity of the private employment, service, or business, 2) discloses the nature of the private employment, service, or business, and the job duties of the position that the County employee seeks, and 3) discloses whether, to the employee's knowledge, the private employer, service, or business is a vendor or contractor for the County. This certification form, declaring such outside employment, must be filed with and approved by the County Ethics Officer and approved by the County Administrator. A copy of the certification form will be maintained in the employee's official personnel file.

10. Prohibited Investments. No appointed public officer or employee over the course of his or her employment shall be allowed to have any personal investment which in any way would create a substantial conflict of interest between his or her private interests and the County's interest. Additionally, no appointed public officer or employee who reviews applications for permits or approvals shall enter into any contractual relationship with a person or entity who must obtain a County permit or approval for the property (real or personal) that is the subject of the contract. However, once the person or entity has obtained a final decision on the permit or approval, the appointed public officer *may* enter into a contractual relationship for the property, provided: 1) any member of the public has the same opportunity to enter into a contractual relationship for the property with substantially similar terms and conditions, and 2) the contractual relationship does not violate any other provision of this policy. A decision is deemed final after any and all appeals of the decision are final.

Furthermore, no County employee (including the County Administrator and the County Attorney) may enter into any joint business or joint investment with an elected County officer while the officer is serving his or her term of office. If the employee has any joint business or joint investment, with a commissioner that existed prior to the election of the commissioner, the employee must make full disclosure of the business or investment immediately upon the election of the commissioner.

11. Miscellaneous Malfeasance or Misfeasance. Any County public officer or employee, who breaches the public trust for private gain, shall be liable to the County for repayment of all financial benefits obtained by such a breach. It also shall be unlawful and a violation of this policy for any County public officer or employee to threaten or intimidate or otherwise impede any witness, investigation, administration of law, the conduct of any public meeting, or any other act that would interfere with the lawful functioning of County government.
12. Improper Use of Position. No County public officer, employee or County attorney shall use or attempt to use his or her official position or any property or resource which may be within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.
13. Converting County Property. A County public officer or employee is prohibited from converting or embezzling any real or personal property for which that public officer or employee is required to possess or control in the execution of his or her County duties. Upon a conviction and adjudication of guilt by a court of competent jurisdiction, whether civil or criminal, the County shall request that the court require proper restitution to the County.
14. Political Activity. Any County public officer or employee (except for the elected members of the Board of County Commissioners) is prohibited from conducting political activities while on County time. No such political activities will be undertaken by any person who disadvantages the functioning of County government. A County public officer or employee is prohibited from using County resources to aid or boost the political campaign of any elected public officer. This policy shall not be interpreted to violate the protected constitutional rights of the First Amendment or the impairment of any public officer or employee's civil rights to vote and to take part in political campaigns.
15. Professional Services. No County public officer or employee may recommend the services of any lawyer or other professional to assist any person in a transaction involving the County unless such recommendation is a part of that person's official duties. No attorney employed by the County or other employee shall represent a private individual or entity before the County.

16. Ethics Officer. A County Ethics Officer will be appointed by the Board of County Commissioners. Unless another County employee is specifically designated as the County Ethics Officer by the Board of County Commissioners, the employee holding the position of County Human Resources Manager shall be the County Ethics Officer. The County Ethics Officer duties and responsibilities shall be assigned, as a separate responsibility, to the Human Resources Manager. The Ethics Officer may receive complaints from the public or County personnel involving alleged ethical violations by the County's appointed public officers or employees. The Ethics Officer will review any such allegation to determine whether or not it appears to be factually grounded. The Ethics Officer shall also report the allegation to the Chairman, BCC and the County Administrator and shall review the factual basis for the allegation with the County Attorney. Should the complaint involve the County Administrator, the complaint shall be referred to the Chairman of the Board. Should the complaint involve any Board Member or Ethics Officer the complaint shall be referred to the County Attorney. After such review, the Ethics Officer may initiate an investigation or refer the complainant to the State Commission on Ethics (COE) as appropriate. For purposes of this Policy, the Ethics Officer's decision to initiate an investigation or to make a referral to the COE is subject to approval by the Chairman of the BCC and the County Administrator. The Ethics Officer's completed report will be submitted to the Chairman of the Board of County Commissioners. Removal of the Ethics Officer will require a majority vote of the Board of County Commissioners after a finding of good cause.
17. Disclosure of Criminal Records Required. Any person applying for appointment to a County board or committee or for employment with Escambia County will disclose any criminal convictions and the failure to do so may result in dismissal from any such volunteer, board or committee member, or from employment of the County.
18. Prohibition against Misuse of Code. Individuals covered by this policy shall not use its provisions to further false or frivolous claims against another. False claims shall be those forwarded with knowledge that the claim contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of material fact. The filing of a false complaint shall be a violation of this policy.
19. Enforcement and Penalty. Pursuant to Subsection 112.317(3)(b), Florida Statutes, the Board of County Commissioners finds that an efficient and effective method for the determination of violations of the ethical standards set forth in this Policy is through local enforcement as provided herein. This Policy may be enforced in any manner allowed, authorized, or otherwise provided by law or ordinance, including Section 125.01, Florida Statutes.
 - a. For appointed public officers, who are members of County boards and committees, the Board of County Commissioners may censure or remove that person for a policy violation and prohibit him or her from being reappointed to a County board or committee for up to a period of five (5) years or may refer the matter to the State Commission on Ethics for investigation.
 - b. For County employees, such employees may be subject to employment sanctions for a policy violation, including but not limited to, reduction in pay, reprimand, suspension, or termination in accordance with the personnel procedures which are currently established allowing for County classified or unclassified employees to be disciplined or the referral of the matter to the State Commission on Ethics for investigation.

20. *Training, Administration and Records.* The HR Director shall be responsible for training, administration and records associated with the BCC Ethics Program. All County employees classified as Senior Executive Service I or II are required to attend no less than two (2) hours of ethics training on an annual basis. Ethics training shall additionally be made available to all other supervisors and managers, and must attend a minimum of one (1) hour training annually. The HR Manager shall be responsible for scheduling an adequate number of training sessions and shall provide adequate notice of the training sessions. "Ethics Training" includes any training on the provisions, application, and enforcement of this policy, on the provisions, application, and enforcement of the State Code of Ethics, and any other ethics-based training for public employees approved by the County Ethics Officer. Failure to attend the minimum requirements for ethics training annually shall constitute a "for cause" basis for disciplinary action.

ACKNOWLEDGEMENT OF RECEIPT

I have received and read the Escambia County Ethics Policy and agree to abide by its provisions and uphold its policies.

Name: _____ Job Title: _____

Department: _____

Signature: _____ Date: _____

STATEMENT OF FINANCIAL INTERESTS

LAST NAME --- FIRST NAME --- MIDDLE NAME: <hr/> MAILING ADDRESS: _____ If change of address, check here: <input type="checkbox"/> <hr/> CITY: _____ ZIP: _____ COUNTY: _____ <hr/> NAME OF AGENCY: _____ <hr/> NAME OF POSITION HELD: _____ <hr/> You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.	For Office Use Only: Date Received: _____ By: _____
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**** BOTH PARTS OF THIS SECTION MUST BE COMPLETED****

DISCLOSURE PERIOD:
 This statement reflects your financial interests for the preceding tax year, whether based on a calendar year or on a fiscal year. Please state below whether this statement is for the preceding tax year ending either (check one):

December 31, 20____ or Specify Tax Year if other than the calendar year: _____

PART A – PRIMARY SOURCES OF INCOME (Major sources of income over \$2,500 min. to the reporting person, i.e., other employment, pensions, rental property)

Name Source of Income	Source's Address	Description of the Source's Principal Business Activity
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B – SECONDARY SOURCES OF INCOME (Major customers, clients and other sources of income to businesses owned by the reporting person)

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

PART C – REAL PROPERTY – FLORIDA ONLY (Land, buildings owned by the reporting person)

PART D – INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses, that have currently or likely will do business with Escambia County BCC)

	Business Entity # 1	Business Entity #2	Business Entity # 3
Name or Business Entity			
Address of Business Entity			
Principal Business Activity			
Position Held With Entity			

IF ANY OF PARTS A THROUGH D ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE (required):

DATE SIGNED (required):

FILING INSTRUCTIONS

What to File:

After completing all parts of this form, including signing and dating it, submit only pages 1 and 2 to the HR Dept. of the BCC.

If you have nothing to report in a particular section, you must write "none" or "n/a" in the section(s).

Facsimiles will not be accepted.

Where to File:

SES I and SES II non-reporting employees submit this form to the HR Dept. of the BCC.

When to File:

Within 30 days of the effective date of the approved inclusion of the Escambia County Code of Ethics and every year thereafter by July 1.

BOARD OF COUNTY COMMISSIONERS
CERTIFICATION OF OUTSIDE EMPLOYMENT

_____ (name) do hereby state under oath that I engage in non-county employment.

This employment is conducted entirely in my off-duty hours, and I do not use or take advantage of any resources or equipment of Escambia County in its performance. I understand and agree that such employment is secondary to my County employment in all respects. Specifics regarding my outside employment follow:

1. Name and address of company/organization:

a) _____ b) _____

2. Nature of Business or operations:

a) _____ b) _____

3. Your Duties:

a) _____ b) _____

4. To the best of your knowledge, do any of the companies/organizations listed above have a business relationship with the Escambia County Board of County Commissioners?

Yes ___ No ___ If yes, please describe nature of business transactions: _____

For purposes of this question, a "business relationship" may be ongoing, may have been conducted within the past 18 months, or may be intended to begin within the next 18 months.

I, by my signature below, certify that my outside employment does not now pose a conflict of interest with my current County employment nor will such outside employment create such a conflict in the future. Should I discover that such outside employment does indeed create such a conflict in the future, I will promptly advise my supervisor and the Ethics Officer indicating that I will cease such outside employment or I will resign my current County position.

Also, I will promptly advise my supervisor and the Ethics Officer when there is a change or addition to my outside employment listed above.

I understand and agree that for the purposes of this certification "conflict of interest" shall mean those conflicts set out in Part III of Chapter 112, Florida Statutes and the Escambia County Code of Ethics Policy.

I understand and agree that violation of this certification in any aspect shall be grounds for disciplinary action by Escambia County up to and including termination of my employment.

Name: _____ Job Title: _____

Signature: _____ Date: _____

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Subscribed and sworn to (or affirmed) before me this _____ by _____
who is personally known to me or has produced _____ as
identification. (type of identification)

SEAL

Notary Public

Approved by: _____

Ethics Officer

_____ County Administrator

Date: _____

Date: _____