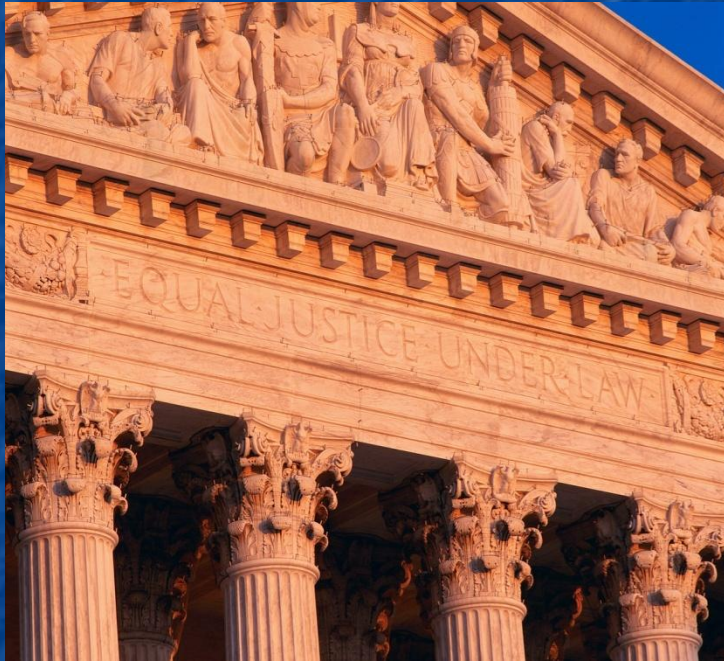


Ethics Laws



County Attorney Office
Colleen M. Greene
Assistant County Attorney

Three Areas of Ethics Laws



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

**Collier County Ordinance
No. 2003-53, as amended**

**Collier County Manager
Administrative Procedures
CMA #5311**

This will not suffice!



Chapter 112, Florida Statutes

Applies to all advisory board members, elected officials, and County employees.



Collier County Ordinance

No. 03-53, as amended

Applies to all advisory board members, elected officials and County employees (more stringent than Ch. 112, *Fla. Stat.*).

CMA #5311

Applies to all County employees.

I

Florida Statutes

Code of Ethics for Public Officers and Employees

Code of Ethics

Protects against conflict of interest and establishes standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(Chapter 112, Part III, *Florida Statutes* and the *Florida Constitution*, Article II, Section

Code of Ethics for Public Officers and Employees

Conflict or Conflict of Interest

A situation in which regard for a private interest tends to lead to a disregard of a public duty or interest.

(§ 112.312(8), *Fla. Stat.*)

Florida Code of Ethics

Addresses:

- ◆ Standards of Conduct
- ◆ Voting Conflict
- ◆ Financial Disclosure

Applies to:

- ◆ County Commissioners
- ◆ Board Appointed Committees
- ◆ Board Employees

- ◆ Prohibits certain actions or conduct
- ◆ Requires certain disclosures be made to the public

Standards of Conduct

Soliciting and Accepting Gifts. May not solicit or accept anything of value that is based on an understanding that their vote, official action, or judgment would be influenced by such a gift.

Accepting Unauthorized Compensation. May not accept any compensation, payment, or thing of value that is given to influence a vote or other official action.

Misusing Public Position. May not corruptly use his/her official position to obtain a special privilege for himself/herself or others.

Disclosing or Using Certain Information. May not disclose or use information not available to the public and obtained by reason of his/her public positions for the personal benefit of himself/herself or others.

Additional Standards of Conduct

- ▶ **Doing business with one's agency.** A public officer or employee acting in a private capacity shall not attempt to do business with the County/agency where he/she serves as a public officer or employee. Applies to private business in which officer, employee, spouse or child has a material interest. (Specific exemptions apply.)
- ▶ **Engaging in conflicting Employment or Contractual Relationship.** A public official may not be employed or contract with any business entity regulated by or doing business with his or her public agency. (Specific exemptions apply.) (May be waived by full Board.)

Voting Conflicts of Interest

Requires no County, municipal, or other Local Public Officer (including members of Board appointed committees) shall vote in an official capacity upon any measure which would inure to the special private gain or loss of themselves, any principal or entity by whom they are retained, other than an agency as defined in § 112.312(2), *Fla. Stat.*, or to any relative or business associate. (Specific exemptions apply.)

Requires that public officers, including members of advisory committees:

- ② Must announce the nature of the conflict before the vote; abstain from voting; and file a memorandum of voting conflict.
- ② May not participate in the discussion without first disclosing the nature of their interest in the matter (either in writing prior to the meeting, or orally as soon as they become aware that a conflict exists).
- ② May not participate in an attempt to influence the decision.

Penalties

Violation of Statute

Civil penalties, fine or removal from office



II

County Ethics Ordinance

Ordinance No. 2003-53, as amended

* Legislative intent

* Lobbyist Registration

* Gifts from Lobbyists

* Gift Definition Exceptions

* County managerial employee post
employment restrictions



County Ethics Ordinance



■ **No, thank you!**

Public officials are prohibited from accepting any gift or any other thing of monetary value from anyone that has an interest that may be substantially affected by the performance or non-performance of duties of a public official.

County Ethics Ordinance

Limited Exceptions Apply!

- Gifts from relatives.
- Unsolicited advertising or promotional materials.
- Gifts for participation in a seminar.
- Award of nominal commercial value.
- Food or beverage offered to all attendees at a business meeting (the \$4.00 rule).

When in doubt, please ask!

PENALTIES **for violating County Ethics** **Ordinance**

County Ordinance
Violations Carry Jail
as Well as Fine
Penalties



III

County Manager Administrative Procedures Code of Ethics/Standards of Conduct CMA #5311



❖ Prohibited receipt of gifts or items of value by County Employees

❖ Violation may result in disciplinary action up to and including discharge

Questions??

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Resources/Contacts

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**Questions/Concerns Regarding Sunshine Law, Public
Records, Ethics and Ex-Parte Disclosure Matters**