

ADMINISTRATIVE RULE 5 CODE OF ETHICS

DATE: **January 22, 2009** (NOTE: This Rule was modified and amended by the Governing Board at this Meeting).

SCOPE:

This Administrative Rule shall apply to all officers, managers, employees, or agents of the Authority and Members of the Governing Board.

AUTHORITY:

Authority for the establishment of this Administrative Rule is as follows:

Part II, Chapter 343, Florida Statutes

Rule 5: Code of Ethics

Section 5.1. Code of Ethics. The State of Florida has adopted a Code of Ethics for Public Officers and Employees found in Part III of Chapter 112, Florida Statutes. The Authority has elected to apply certain provisions of the State Code of Ethics to its Members, officers and employees. The declared policy of this law is to prohibit any Member, officer or employee from having any interest in, or engaging in, any obligation “which is in substantial conflict with the proper discharge of his duties in the public interest” § 112.311, Fla. Stat (2005). All Members, officers and employees of the Authority shall familiarize themselves with and comply with all applicable provisions of Part III of Chapter 112, Florida Statutes, which includes language prohibiting any Member, officer or employee of the Authority from:

- i. using or attempting to use his or her official position to secure special privileges or exemptions for himself/herself, or others;
- ii. accepting employment or engaging in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the Member, officer or employee by reason of official position;
- iii. disclosing to others, or using for personal benefit, any confidential information gained by reason of official position;
- iv. accepting other employment which might impair the independence or judgment of the Member, officer or employee in the performance of public duty; receiving any compensation for official services to the Authority from any source other than the Authority, or when such compensation is offered to influence a vote or other action of the officer or employee;

- v. transacting any business in an official capacity with any other business entity of which the Member, officer or employee is an officer, director, agent, member or owns a controlling interest; and
- vi. having personal investments in any enterprise, which will create a substantial conflict between private interests and the public interest.

Part III of Chapter 112, Florida Statutes, also mandates that certain specific Members, officers and employees comply with financial disclosure and gift reporting requirements. The Authority shall maintain current lists of reporting individuals as required by State law. This Section provides additional requirements to assure the ethical conduct of Members, officers and employees of the Authority, and shall be, wherever possible, construed as supplemental to Part III of Chapter 112, Florida Statutes.

5.1.1 General Standards of Conduct. This Rule prescribes standards of ethical conduct for all Members, officers and employees of the Authority, and is intended to require that each and every such individual avoid any action, whether or not specifically prohibited, which might result in or create the appearance of:

- i. using public office for private gain;
- ii. offering preferential treatment to any Person;
- iii. impeding the Authority's efficiency or economy;
- iv. compromising complete independence or impartiality;
- v. making an Authority decision outside of official channels;
- vi. affecting adversely the confidence of the public in the integrity of the Authority;
or
- vii. receiving compensation from any sources other than the Authority for performing official duties or any work performed on behalf of or in connection with official Authority business.

5.1.2 Outside Business or Employment. No officer or employee of the Authority shall accept outside employment or engage in any private business if such outside employment or private business would interfere with the normal conduct of the his or her position or office. No officer or employee shall engage in outside business or employment, unless written approval is first obtained from the Chief Executive Officer. Any such request shall state the potential employer's or business' name and address, and shall describe with particularity the employee's prospective duties or participation and the anticipated hours of employment or activity that would be associated with that business or employment. This request shall be submitted to the employee's immediate supervisor and then forwarded to the Chief Executive Officer's office via the employee's chain of command, with recommendations for approval or disapproval noted by each level of the chain of command. No Member, officer or employee shall personally, or

through a business, in which he or she owns a Material Interest, provide goods or other services to the Authority for compensation.

5.1.3 Former Officers and Employees. No former Member, officer or employee of the Authority shall personally represent another Person or entity for compensation before the Governing Board or the Authority (within meaning of Section 112.313(13), Florida Statutes, or any successor provision thereof), except for the purpose of collective bargaining, until the expiration of a period of two (2) years following the vacation of office or termination of employment of such Member, officer or employee. This rule shall be strictly construed to prohibit former employees from acting as paid lobbyists engaged for the sole purpose of influencing the Authority. It shall not prohibit a former employee from participating in a contract, or a bid or proposal for the award of a contract, to provide services to the Authority within the former employee's professional expertise.

5.1.4 Employment of Relatives. If the Chief Executive Officer determines that an emergency, as defined in Section 252.34(3) of Florida Statutes, exists, the Executive Director may authorize, to the extent necessary to address and cope with such emergency, the temporary employment of individuals whose employment would otherwise be prohibited by Section 112.3135 of Florida Statutes.

5.1.5 Influencing of Votes. No Member, officer or employee of the Authority shall, directly or indirectly, give or promise any Person any office, public employment, benefit or anything of value for the purpose of influencing or obtaining the political aid or vote of such Person or Persons.

5.1.6 Gratuities. No Member, officer or employee shall solicit directly or indirectly any Gratuity regardless of value from any Person. Provided, however, a Member, officer or employee may solicit or accept a Gratuity from a Relative or a personal friend who has no business interest or dealing with the Member, officer or employee in their official capacity. No Member, officer or employee shall accept directly or indirectly any Gratuity, regardless of value, which is offered based upon any understanding, or under circumstances that would reasonably suggest, that the vote, official action, or judgment of the Member, officer or employee would be influenced thereby. No Member, officer or employee may knowingly accept a Gratuity valued in excess of the limits set forth in Florida Statutes from any Person (other than a Relative) or business with whom the Authority previously had, currently has, or in the foreseeable future may have, a business relationship, or with respect to whom the Member, officer or employee previously or currently makes, or may in the foreseeable future make, decisions affecting such Person's business, property or personal interests.

Notwithstanding the forgoing, Members, officers and employees may accept Gratuities under the following circumstances:

- i. when tendered to a Member, officer or employee by a Relative;

- ii. when tendered to a Member, officer or employee on an appropriate gift-giving occasion (e.g. Christmas, birthday) when the circumstance clearly indicate motivating interests other than the business connection of the Member, officer or employee and the value is less than the limits set forth in Florida Statutes;
- iii. when tendered to a Member, officer or employee by a personal friend who has no business interest or dealings with such individual in his or her official capacity;
- iv. when consisting solely of a meal and incidental entertainment offered on an occasional or sporadic basis in a professional or social event when the value is less than the limits provided in Florida Statutes;
- v. campaign contributions otherwise disclosed on appropriate state forms;
- vi. a Gratuity offered to the Authority and accepted on behalf of the Authority, with said Gratuity to remain the property of the Authority; and
- vii. admission to events to which a Member, officer or employee is invited in his or her official representative capacity, and the value is less than the limits set forth in Florida Statutes.

5.1.7 Confidentiality of Information. No Member, officer or employee shall furnish to anyone any information, other than public information, that was obtained as a result of his or her relationship with the Authority, for the purpose of gaining personal advantage for himself/herself or another. This Section shall not be construed to limit, hinder or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing of information that would place the Member, officer or employee, or the recipient of the information, in a vantage position over the general public, and thereby constitute a violation of public trust.

5.1.8 Coercion. No Member, officer or employee shall use, or permit a Relative to use, the official status of such Member, officer or employee to coerce or give the appearance of coercing a Person to provide benefit to himself/herself, or another Person.

5.1.9 Interest in Contracts with Authority. No Member, officer or employee shall be directly or indirectly employed by any Person nor be interested, directly or indirectly, with any Person having, or proposing to have, any contractual relation with or rendering, or proposing to render for any consideration, services to the Authority, when the approval, concurrence, decision, recommendation or advice of the Member, officer or employee shall be sought, obtained or required in connection with such contract or service. No Person having, or proposing to have, any contractual relationship with, or rendering, or proposing to render, for any consideration, services to the Authority, shall employ or have as an interested party, directly or indirectly, any Member, officer or employee, when the approval, concurrence, decision, recommendation or advice of such Member, officer or employee shall be sought, obtained or required in connection with such contract or service.

5.1.10 Use of Authority Assets. Unless specifically permitted by Authority policy or written approval of the Chief Executive Officer, the use of Authority facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to Authority business; they may not be used for private or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with Authority policy or with written approval of the Chief Executive Officer.

5.1.11 Bona Fide Business Transactions. This Section shall not be construed to prevent a Member, officer or employee from entering into a bona fide business transaction for the services of or purchase of goods or materials from a Person doing business with the Authority when no special benefit not otherwise available to other patrons of the Person is accorded or sought by the Member, officer or employee.

5.1.12 Form of Certification. Each Member shall execute a “Certification of Code of Conduct” substantially in the form attached hereto as Exhibit “B-1A”. Each officer and employee shall execute a “Certification of Code of Conduct” substantially in the form attached hereto as Exhibit “B-1B”.

5.1.13 Penalties. In addition to the penalties available under Part III of Chapter 112, Florida Statutes, for violation of the provisions thereof, (1) any Member found to have violated any provision of this Section may be subject to sanction or disciplinary action by the Governing Board, and (2) any officer or employee found to have violated any provision of this Section may be subject to disciplinary action by the Governing Board or the Chief Executive Officer, including immediate dismissal. Any contractor, supplier or vendor found to have violated any provision of this Section may be barred from participating in procurement procedures of the Authority in accordance with these Administrative Rules, and any contract then in effect with such contractor, supplier or vendor may be terminated immediately by the Chief Executive Officer.

5.1.14 Award and Administration of Contracts involving Federal Funds. Notwithstanding anything to the contrary set forth herein, no employee, officer, agent, immediate family member, or Board member of the Authority shall participate in the selection, award, or administration of a contract supported by FTA funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the Person selected for award:

- i. the employee, officer, agent, or Board member;
- ii. any member of his/her immediate family;
- iii. his or her partner; or
- iv. an organization that employs, or is about to employ, any of the above.

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