

Department of Financial Services

Administrative Policies and Procedures

Title: Department of Financial Services Code of Ethics
Number: 1-15
Section: Bureau of Human Resource Management
Effective Date: October 28, 2009
Approved by: Jim Cassady, Chief of Staff

I. TITLE:

Department of Financial Services Code of Ethics

II. AUTHORITY AND REFERENCES:

Florida Statutes: [Chapter 112, Part III](#)
Florida Administrative Code: [Chapters 60L-36.003](#)

III. PURPOSE:

All employees of the Department of Financial Services must adhere to the highest ethical standards. Acting ethically requires employees to do more than comply with the law. The Department of Financial Services (the "Department") recognizes the importance of maintaining the highest ethical standards among its employees. The public expects its government officials to conduct the State's business in an ethical, honest, and open manner. Employees are expected to know and comply with the Department's Code of Ethics in addition to all state laws regarding ethics, including the statutory Code of Ethics found in [Chapter 112, Part III, Florida Statutes](#), and the provisions in the [Rule Chapter 60L-36.003, Florida Administrative Code](#).

IV. DEFINITIONS:

- A. "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- B. "Commission" means the Commission on Ethics created by [Section 112.320, Florida Statutes](#), or any successor to which its duties are transferred.
- C. "Committee of Continuous Existence" means any group, organization, association, or other such entity which is certified pursuant to the provisions of [Section 106.04, Florida Statutes](#), in making contributions to candidates, political committees, or political parties.
- D. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- E. "Department" means the Department of Financial Services.

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- F. “Ethics Officer” means the General Counsel to the Chief Financial Officer (CFO) and is appointed to consult with Department employees on questions of ethics and compliance with the provisions of this policy.
- G. “Gift” means anything accepted by a person or on that person’s behalf, whether directly or indirectly, for that person’s benefit, and for which no payment is made in advance. A “gift” can include the following:
1. Real property.
 2. The use of real property.
 3. Tangible or intangible personal property.
 4. The use of tangible or intangible personal property.
 5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
 6. Forgiveness of indebtedness.
 7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
 8. Food or beverage.
 9. Membership dues.
 10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
 11. Plants, flowers, or floral arrangements.
 12. Services provided by persons pursuant to a professional license or certificate.

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13. Other personal services for which a fee is normally charged by the person providing the services.
 14. Any other similar service or thing having an attributable value not already provided for in this section.
- H. “Lobbyist” means any person who, for salary, fee, or other compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.
- I. “Political Committee” means any two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:
1. accepts contributions for the purposes of making contributions to any candidate, political committee, committee of continuous existence, or political party;
 2. accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;
 3. makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
 4. makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, or political party.
- J. “Relative” 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 out as or is generally known as the person whom the

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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.

K. "State Building" means any building owned or leased by the state in which state business is conducted.

V. ETHICAL GUIDELINES:

A. General Principles

1. Every employee of the Department is expected to treat colleagues and members of the public with courtesy and respect.
2. Department employees shall ensure that all disclosures made in accordance with the Code of Ethics laws are truthful, fair and accurate. Employees shall record information honestly, completely and accurately.

B. Conflict of Interest

1. A Department employee shall not maintain a personal or financial interest in a matter pending before the Department. Circumstances that do not constitute a conflict of interest are limited to:
 - (a) An employee seeking a license of some type with the Department.
 - (b) An employee who has filed a consumer complaint with the Department.
 - (c) An employee who has filed a claim for unclaimed property.
2. An employee shall, within twenty-four (24) hours of knowledge of a matter, notify his or her supervisor if an employee's relative, or a business in which the employee's relative retains a financial interest, has regulatory or contractual business pending before the Department. Circumstances that do not constitute a conflict of interest are limited to:
 - (a) A relative seeking a license of some type with the Department.
 - (b) A relative who has filed a consumer complaint with the Department.
 - (c) A relative who has filed a claim for unclaimed property.
3. A Department employee shall not maintain employment or a contractual relationship with any business entity or any agency which is regulated by the Department, or is doing business with the Department, except that the employee may purchase goods or services from a business entity which is subject to the

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regulation of the Department if the price and terms of the transaction are available to members of the general public.

4. A Department employee shall not maintain any employment or contractual relationship that will create a conflict between the employee's private interests and the performance of his or her public duties.
 5. If a Department employee applies for or is offered employment, the employee shall within three (3) days notify his or her supervisor of the employment application or job offer. If a Department employee is seeking or upon an entity offering any contractual relationship with an entity regulated by or doing business with the Department, the employee shall, prior to the seeking of the contractual relationship, or within three (3) days upon an entity offering the contractual relationship, notify his or her supervisor.
- C. Abuse of Position of Public Trust
1. Department employees shall not use their official position, or the powers of their office, to benefit their own personal interests. This provision will be interpreted broadly to ensure that employees will not abuse the powers of their office for their own personal interests or gain. Examples of prohibited conduct are:
 - a. Accepting a discount on goods or services (not provided to the general public) from a vendor doing business with the Department.
 - b. Using a Department vehicle for personal purposes, except as may be permitted for law enforcement personnel.
 - c. Asking a vendor or contractor doing business with the Department to hire an employee's spouse, child, or other family member.
 - d. Using Department facilities, equipment, resources for political campaigns, or other political purposes.
- D. Charitable Fundraising
1. The Department encourages employees to volunteer their personal time and resources to benefit not-for-profit charities and organizations. Department employees shall not solicit contributions to charitable entities from individuals or entities which are regulated by or do business with the Department. Such fundraising would be a violation of Section C of this Code of Ethics. Department employees may participate in the Florida State Employees Charitable Campaign

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(FSECC) during normal business hours to the extent authorized by the CFO. Pursuant to [Section 110.181 \(1\) \(a\), F.S.](#), FSECC is the only authorized charitable fundraising drive directed toward state employees within work areas during work hours. Division Directors, in consultation with the Ethics Officer, must approve solicitations related to charitable fundraising in the workplace.

E. Political Campaigns and Fundraising

1. Department employees have the right to participate in political campaigns during their personal time. Employees who participate in political campaigns or political activities during normal business hours should do so only when they have received prior approval to take annual leave. Employees are permitted to express their opinions on political subjects and candidates, take an active part in political campaigns outside of working hours, including the wearing of badges or buttons, and displaying bumper stickers and posters.
2. A Department employee who qualifies as a political candidate must notify the Chief of Human Resource Management and his immediate supervisor of his or her candidacy within three (3) days upon qualification.
3. No employee is permitted to make, solicit, or accept contributions for any political campaign in a state building. If a person attempts to deliver a contribution in a state building, the contribution should be refused and the person tendering the contribution should be informed that it is illegal to accept a contribution in a state building. The employee should also notify the Inspector General of the incident. Contributions received by mail at a state building must be returned to the sender.

F. Disclosure of Information Exempt from Public Release

1. Department employees may be privy to information which is exempt from public disclosure under Florida's public records law. Employees are prohibited from disclosing this information or using it for their own personal benefit.

G. Restrictions Upon Leaving the Department

1. A Senior Management Service (SMS) or Selected Exempt Service (SES) employee cannot personally represent another person or entity for compensation

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before the Department for a period of two (2) years following termination or retirement.

2. A former employee is prohibited from having any employment or contractual relationship for two (2) years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a Department employee.

H. Restrictions Regarding Relatives

1. Employees with knowledge of applicants who possess characteristics particularly suitable to vacancies in the Department should feel welcome to refer those applicants to the Chief of Human Resource Management. However, employees are prohibited from influencing the hiring of relatives for positions within the Department by directly contacting the hiring manager. Anytime an employee recommends a relative for a position within the Department, the employee should first consult with the Department's Ethics Officer prior to making the recommendation.
2. An employee may not appoint, employ, promote, or advance for appointment, employment, promotion, or advancement, in or to a position, over which the employee exercises jurisdiction or control, any individual who is a relative of the employee.
3. Employees shall not procure contractual services for the Department from a business in which a relative is an officer, partner, director or owner.

I. Disclosure Requirements

1. Florida law requires certain employees to file a full and public disclosure of their financial interests with the Florida Commission on Ethics. This disclosure is designed to assure the public that employees' decisions are made impartially and in the public interest, and not for personal gain. Employees shall review and follow the applicable financial disclosure requirements found in [Section 112.3145, Florida Statutes](#).

J. The Receipt and Reporting of Gifts

1. The gift restrictions in this Code apply broadly to all Department employees.

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2. An employee is prohibited from soliciting any gift from a political committee or committee of continuous existence, from a vendor doing business with the employee's agency, from a lobbyist who lobbies the Department, from the partner, firm, employer or principal of such lobbyist, or from a person or entity doing business with the Department.
3. An employee is prohibited from accepting any gift, directly or indirectly, from a political committee or committee of continuous existence, from a vendor doing business with the employee's agency, from a lobbyist who lobbies the Department, from the partner, firm, employer, or principal of such lobbyist, or from a person or entity doing business with the Department, unless the following limited exceptions apply:
 - (a) Gifts can be accepted from relatives, unless the relative is a lobbyist or a principal of a lobbyist, in which case the general prohibition on receipt of gifts from lobbyists applies. Employees who are married to or involved in a personal relationship with a lobbyist or the principal of a lobbyist shall consult with the Department's Ethics Officer on how to address this situation.
 - (b) Gifts can be accepted from personal friends in the ordinary course of friendship, provided that the personal friend is not:
 - (i) a lobbyist; or
 - (ii) a partner, firm, member, employer, employee or principal of a lobbyist; or
 - (iii) a person having a regulatory or contractual interest (either individually or through a corporation or organization) in a matter pending before the Department; or
 - (iv) a person who (either individually or through a corporation or organization) provides goods or services to the Department under contract or agreement; or
 - (v) a person (either individually or through a corporation or organization) seeking such business from the Department.
 - (c) On-site consumption of food or refreshment at receptions and/or other events (even if valued at over \$25.00) is permissible provided that the employee's attendance at such event is an appropriate exercise of the employee's official duties. The consumption of food or refreshment at such events, that is provided by or paid for by a lobbyist, principal of a lobbyist, a vendor doing business or seeking to do business with the Department, or an entity regulated

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by the Department is prohibited. However, if the reception and/or event is part of a sponsored conference, meeting, or other function for which the Department has paid a registration fee or cost for the employee's attendance, and the registration fee or cost includes food or refreshment as part of the printed agenda or other registration materials, the food or refreshment is not a gift and is therefore allowable for on-site consumption.

4. If an employee receives an unsolicited gift which is prohibited under this Code of Ethics, the employee should notify his supervisor and return the gift to the sender. If an employee receives a perishable gift, such as a fruit basket, the employee should donate the gift to a charitable organization. The employee should then write the donor and explain that while appreciated, Department employees are prohibited from receiving gifts under this Code of Ethics.
 5. An employee is prohibited from soliciting or knowingly accepting an honorarium from a political committee or committee of continuous existence, from a vendor doing business with the employee's agency, from a lobbyist who lobbies the employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.
- K. If an employee has any questions regarding this Code of Ethics, or needs practical advice regarding the ethics of a particular situation, the Ethics Officer to the Department is available to discuss these concerns.