

## **Section 104.06. Code of ethics and conduct.**

(1) This code of ethics is in addition to the requirements of F.S. Ch. 112. Where there is a conflict between F.S. Ch. 112, and this code the more stringent requirement shall apply.

(2) This code shall apply to county commissioners and county employees. The term "person" includes commissioners and county employees. Written requests for interpretative rulings concerning the applicability of this code may be submitted to the county attorney for written reply.

(3) Information concerning any incident or situation in which it appears that a board appointed county employee or county commissioner may have engaged in conduct contrary to this code should be forwarded by complaint affidavit to the state attorney for the Nineteenth Judicial District for his investigation and appropriate action.

(4) A person shall avoid any action, whether or not specifically prohibited by this section, which might result in:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person; or
- (c) Making a government decision outside official channels.

(5) (a) Except as provided in paragraph (b) and (c) of this subsection, a person shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from anyone who:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with the county; or
- (2) Conducts operation or activities that are regulated by the county; or
- (3) Has interests that may be substantially affected by the performance or nonperformance of the person's official duty; or
- (4) Is in any way attempting to affect the person's official actions at the county; or
- (5) Is offering anything of monetary value, including food and refreshments, to an employee because of the person's official position.

(b) The prohibitions enumerated in paragraphs (5)(a) and (c) of this section do not apply in the situations enumerated below:

(1) Where obvious family (such as those between the parents, children, or spouse of the person) or other personal relationships make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(2) Food and refreshments: Under F.S. Ch. 112, the word "gift" is defined to exclude "food or beverage consumed at a single sitting or event." Pursuant to F.S. § 112.326, it is the purpose of this code to require more stringent county disclosure requirements than provided for in F.S. Ch. 112. Therefore, and notwithstanding any other section or personnel manual to the contrary, county commissioners, and county employees may accept food or beverage consumed at a single sitting or event only if the cost for said food or beverage does not exceed F.S. Ch. 112, rate for the appropriate per diem allowance for said meal.

If, under circumstances beyond the control of the donee, the cost exceeds the per diem rate then within five (5) working days of the acceptance, the donee shall file a written disclosure statement with the clerk to the commission on a form provided by said clerk. In addition, food or beverage may be accepted when (i) offered free in the course of a meeting or other group function not connected with an inspection or investigation, at which attendance is desirable because it will assist the person in performing his or her official duties; or (ii) provided to all panelists or speakers when a person is participating as a panelist or speaker in a program, seminar or educational conference.

(3) Loans may be obtained from banks or other financial institutions on customary terms to finance proper and usual activities of persons such as home mortgage loans.

(4) Unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted, as well as job related literature.

(5) Gifts given for participation in a program, seminar or educational conference may be accepted only when such gifts are (i) of nominal intrinsic value (ii) in the nature of a remembrance traditional to the particular sponsoring entity and (iii) provided to all participants in the program.

(6) Contributions or expenditures reported pursuant to F.S. Ch. 112, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

(7) Awards of nominal value, plaques and dinners given by a civic or business organization to honor individual or groups for meritorious service, acts of heroism, and similar conduct.

(8) Local outings offered to all county employees or with prior approval of the board of county commissioners, units of county employees.

(9) Acceptance of invitations given by organizations as a ceremonial gesture with prior approval of the board of county commissioners needed for events outside the county.

(10) Discounts and other inducements offered by various theme parks and other entertainment interests for all county or state employees.

(11) Free flu shots offered to all county employees.

(12) Ground breaking/grand openings/ribbon cutting and other ceremonial occasions.

(13) Annual holiday parties and open houses.

(c) A person shall not solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a person receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(6) No county employee may engage in outside employment or other outside activity, with or without compensation, which is in conflict with or otherwise not compatible with the full and proper discharge of his duties and responsibilities to Indian River County. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in a conflict of interest situation; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his duties and responsibilities in an acceptable manner; or

(3) Outside employment or activities (excluding the publication of articles) which reasonably might be regarded as official actions of the county or which might bring discredit upon the county.

(7) It shall be the duty of each commissioner, board appointed county employee, department head and professional staff member to become familiar with the code of ethics for public officers and employees. To this end, the personnel director shall distribute to each person in the above enumerated categories a current copy of the "Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public and Employees."

(Ord. No. 94-21, § 1, 7-19-94; Ord. No. 95-2, § 1, 1-24-95; Ord. No. 2007-041, § 1, 12-11-07)