



Code of Ethics Training

**FOR COUNTY AND MUNICIPAL OFFICIALS, EMPLOYEES AND
ADVISORY BOARD MEMBERS**

PBC Commission on Ethics

Five volunteer members appointed by various community “stakeholders” to serve four-year terms:

- ◆ PBC Association of Chiefs of Police
- ◆ PBC League of Cities
- ◆ PBC Chapter of the Florida Institute of Certified Public Accountants
- ◆ President of Florida Atlantic University
- ◆ PBC Bar Association in conjunction with the Hispanic Bar Association and the F. Malcolm Cunningham Bar Association.

COE STAFF

- **Investigate Complaints**
- **Questions about the Code of Ethics**
- **Provide Advisory Opinions**
- **Training and Community Outreach**
- **Understand your Responsibilities**

OVERVIEW

❖ Ethics Decision Tree

- ◆ Steps to avoid violations and problems

❖ The Code of Ethics

- ◆ Conflicts of Interest
- ◆ Gift Law
- ◆ Miscellaneous Provisions

FREQUENTLY ASKED QUESTIONS

I just took this training, why do I have to take it again?

- ◆ The Code of Ethics requires “**periodic retraining**”

FREQUENTLY ASKED QUESTIONS

What is the purpose of the PBC Code of Ethics?

- ◆ Honest and ethical conduct
- ◆ Protects confidential information
- ◆ Increase public trust in local government

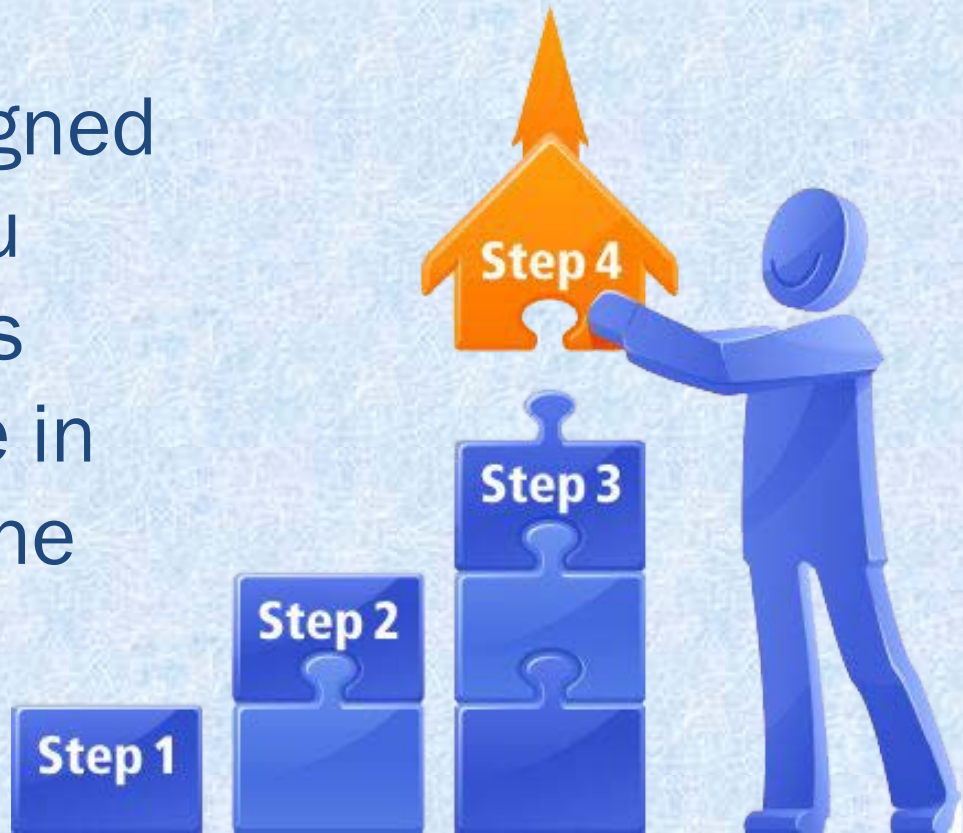
FREQUENTLY ASKED QUESTIONS

Who does the PBC Code of Ethics apply to?

- ♦ All County and Municipal employees and officials
- ♦ No State officers or employees, and No Constitutional Officers

ETHICS DECISION TREE

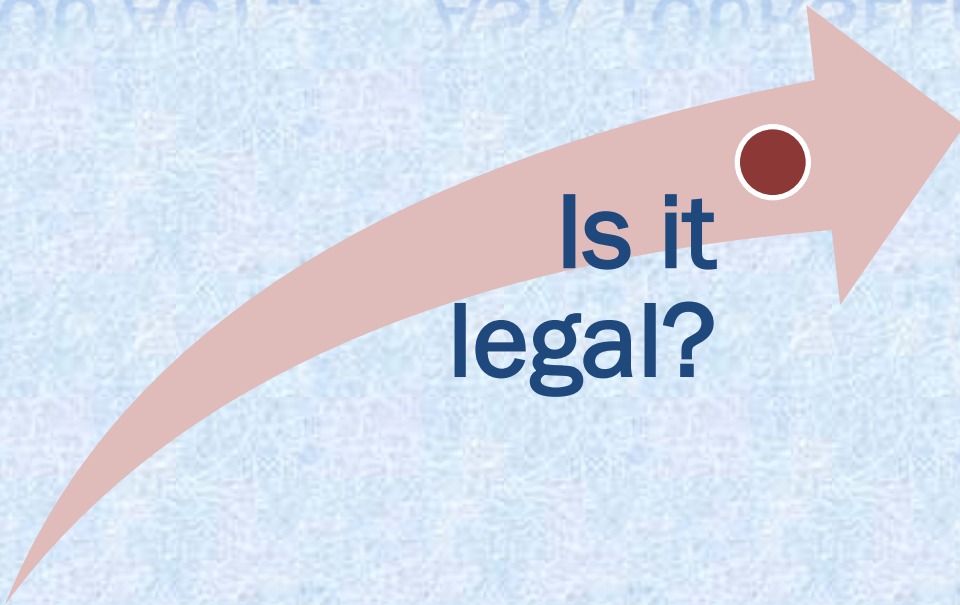
Four step process designed by COE staff to help you determine if the actions you are considering are in violation of the law or the Code of Ethics



USE THE “ETHICS DECISION TREE”

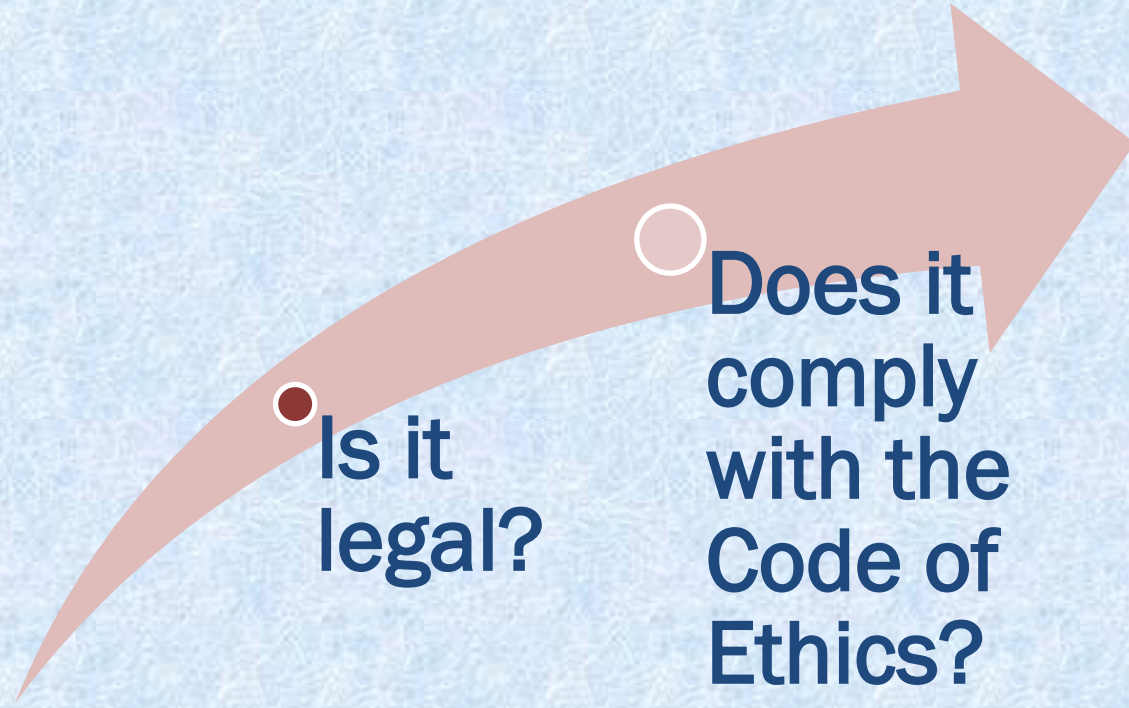
BEFORE YOU ACT...

ASK YOURSELF...

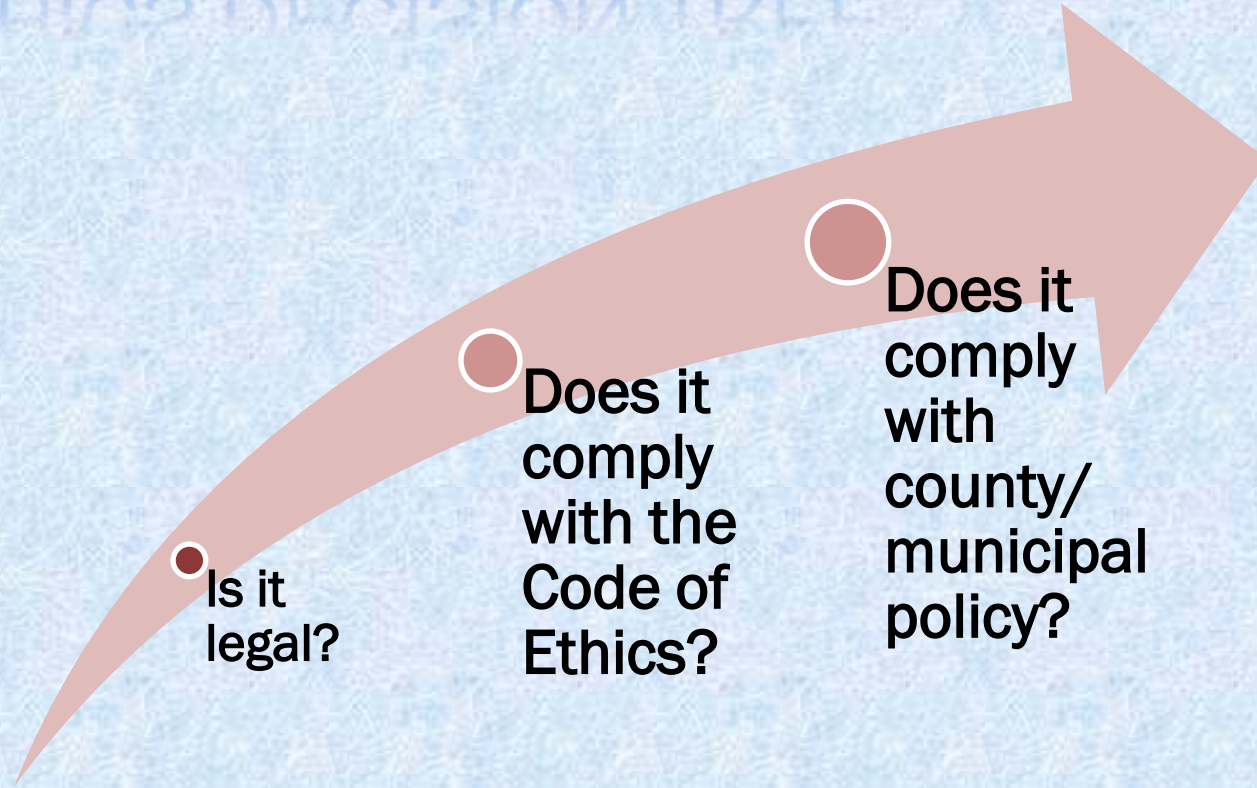


Is it
legal?

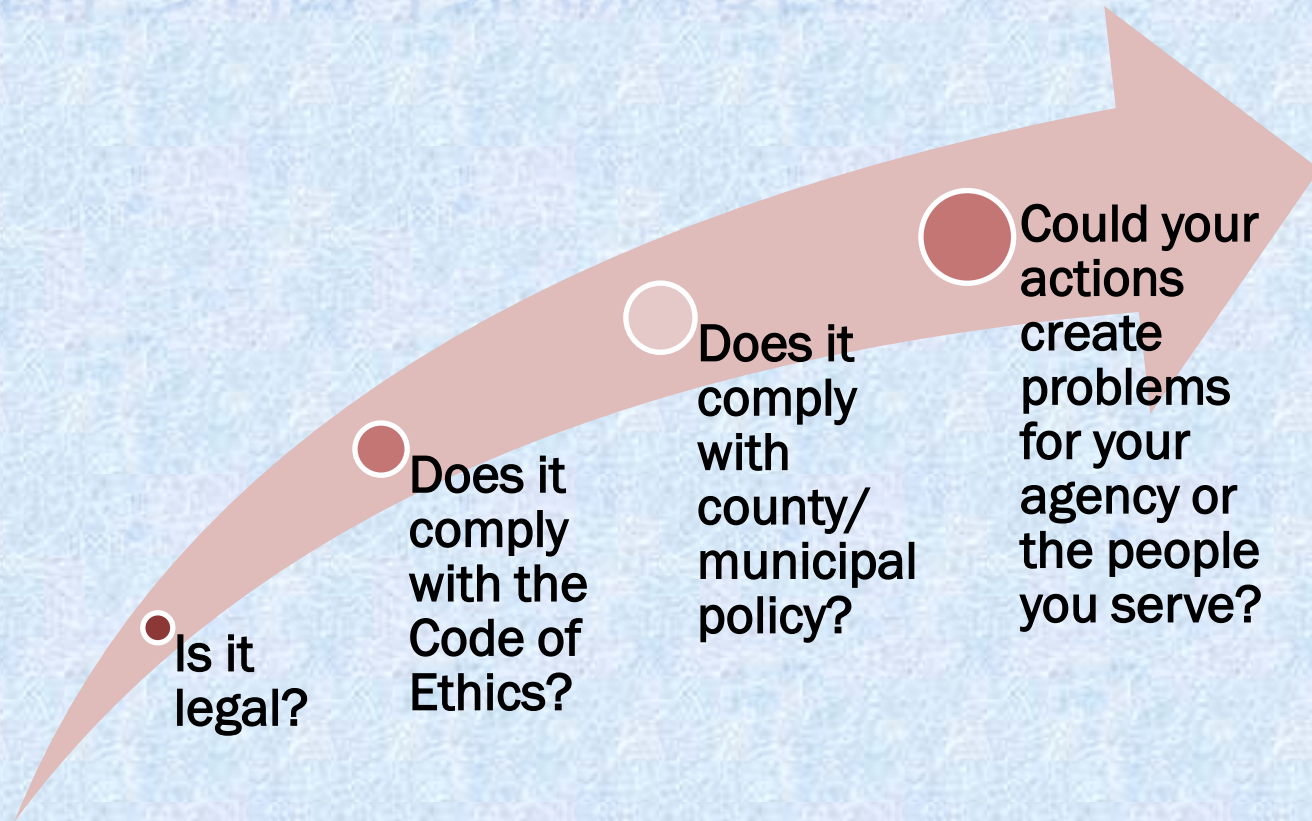
ETHICS DECISION TREE



ETHICS DECISION TREE



ETHICS DECISION TREE



STANDARDS OF CONDUCT

All public officials and employees must be transparent in their actions.

- **Minimum Legal Standard**
- **Good Government Standard**

CONFLICTS OF INTEREST



What is a conflict of interest?

- ◆ Personal Activities or relationships interfering with work.

A “special benefit”

PROHIBITED CONDUCT
SECTION 2-443

PROHIBITED CONDUCT

- ◆ **Section 2-443(a)**, *Misuse of public office or employment*
- ◆ **Section 2-443(b)**, *Corrupt misuse of official position*
- ◆ **Section 2-443(c)**, *Disclosure of voting conflicts*
- ◆ **Section 2-443(d)**, *Contractual relationships*

MISUSE OF OFFICE

Section 2-443(a)(1-7), Public Employees and Officials are prohibited from using their official position in a manner that results in.....a “special financial benefit” being given to...

NO FINANCIAL BENEFIT TO:

- ◆ Yourself
- ◆ A household member, spouse, domestic partner
- ◆ Outside business or employer
- ◆ A close family relative
- ◆ Spouse/domestic partner's employer or business
- ◆ A customer or client of the your outside business
- ◆ A debtor or creditor of the official or employee, who owes or is owed more than \$10,000 (except banking and mortgage institutions)
- ◆ A non-profit organization if the official/employee or their spouse/domestic partner serves as an officer or director of that organization

SPECIAL FINANCIAL BENEFIT

❖ ***Financial benefit –anything*** of value that is obtained **through** your official position

- ◆ Employment;
- ◆ Advisory Board;
- ◆ Elected Position

SPECIAL FINANCIAL BENEFIT

- ❖ ***Special financial benefit*** – one not shared with “similarly situated” members of the general public
 - ◆ ***Similarly Situated*** – means that everyone affected by a decision is affected in the same manner.

MISUSE OF OFFICE

The Family Plan

A municipal employee is designated to accept payments for water bills generated by the City's Utility Department .



MISUSE OF OFFICE

The Family Plan

May the employee personally accept funds directly from his sister to pay for her water service?



MISUSE OF OFFICE

The Family Plan

Answer: Yes! Where the public employee simply does his job, and gives no “special financial benefit” to his sister, there is no prohibition.



MISUSE OF OFFICE

The Family Plan

Is it acceptable for him to change the amount of her water usage to a lower amount to reflect a lower payment for her water bill?



MISUSE OF OFFICE

The Family Plan

Answer: No! He may not arbitrarily change the water usage to lower her bill.... nor may he do so for anyone else.



MISUSE OF OFFICE

The Family Plan

Is it acceptable for him to give an early payment discount, where the City allows a 1% reduction of any water bill paid in full at least 10 days before it is due?



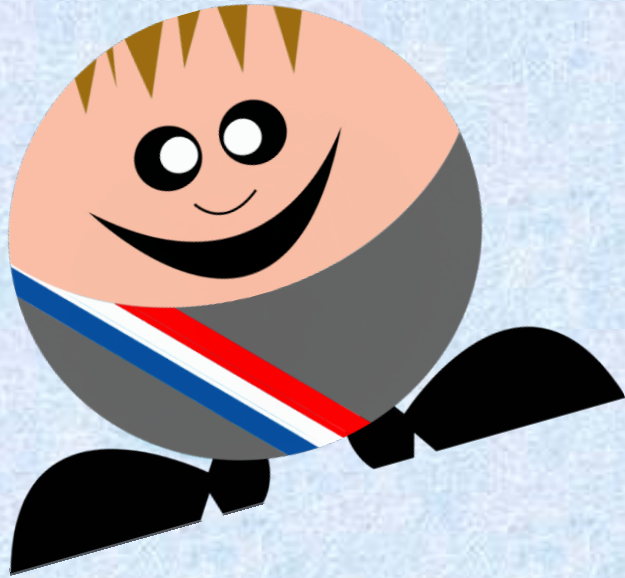
MISUSE OF OFFICE

The Family Plan

Answer: Yes! Where such a “discount” is available to all customers who pay in advance if she meets the requirements.



MISUSE OF OFFICE



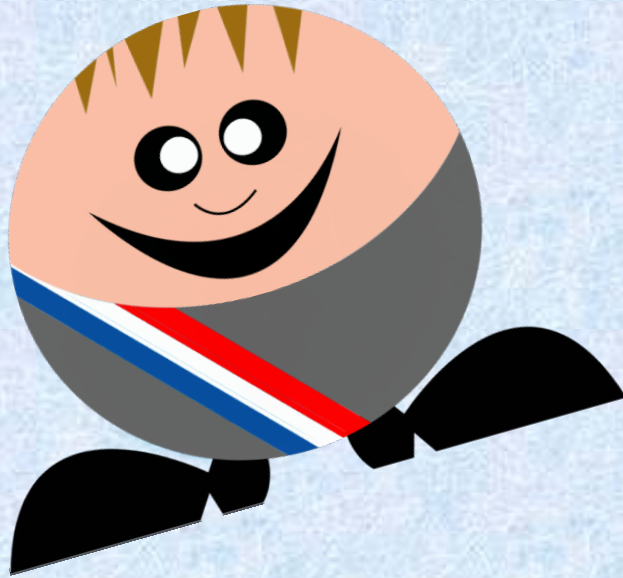
The Charitable Official

An elected official serves on the board of directors of a non-profit organization, his local church.

MISUSE OF OFFICE

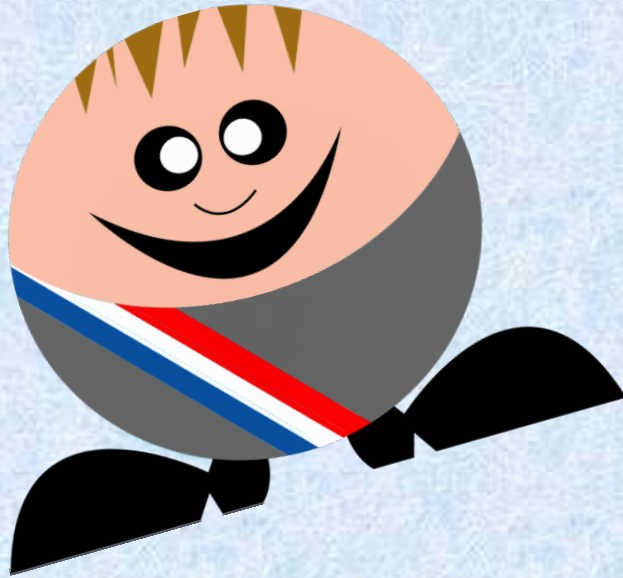
The Charitable Official

May the elected official vote to give government funding to that particular church for a new afterschool program?



MISUSE OF OFFICE

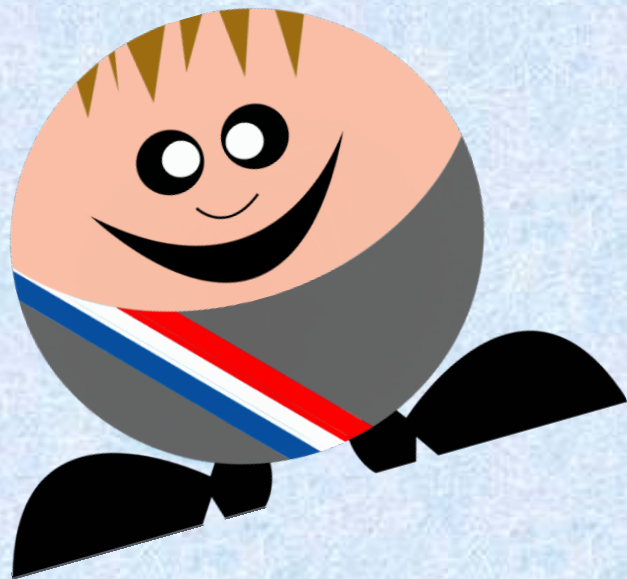
The Charitable Official



Answer: No! In doing so, the official would violate Section 2-443(a)(7), by giving a “special financial benefit” to a . . . *charitable or religious organization, which he or she is an officer or director.*

MISUSE OF OFFICE

The Charitable Official

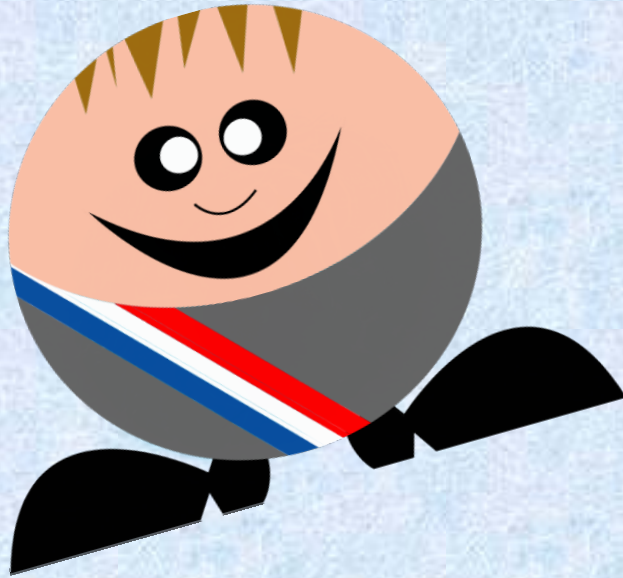


May he do so if he and his wife or domestic partner are not officers, directors or board members of the church, but both are members of the congregation?

MISUSE OF OFFICE

The Charitable Official

Answer: Yes! So long as there is no unlawful compensation given to the official for such a vote.



CORRUPT MISUSE OF OFFICIAL POSITION

Section 2-443(b)

You cannot use your official position... (your job, board membership, elected title or official office)

- ✓ ...to *corruptly* secure...
- ✓ ...a “special benefit” ...
- ✓ ...for any Person

CORRUPT MISUSE OF OFFICIAL POSITION

❖ ...a “special benefit” ...

- ◆ Any benefit you or another person are not entitled to, or
- ◆ Any benefit that you are not allowed to give.

(not necessarily financial)

CORRUPT MISUSE OF OFFICIAL POSITION

❖...corruptly...

- ◆ Taken with wrongful intent, and which is...
- ◆ Inconsistent with the “proper performance” of your public duties

CORRUPT MISUSE OF OFFICIAL POSITION

The Corruptible Driver

A town Mayor is involved in a vehicle crash. The police are called to the scene, at which time the Mayor identifies himself and directs the officer to issue a ticket to the other driver prior to the investigation of the crash.



CORRUPT MISUSE OF OFFICIAL POSITION

The Corruptible Driver

Is that a “corrupt” misuse of the Mayor’s official position?



CORRUPT MISUSE OF OFFICIAL POSITION

The Corruptible Driver

Answer: Yes! The Mayor would be acting with “**wrongful intent,**” and in a manner “**inconsistent with the proper performance of his public duties**” as Mayor.



DISCLOSURE OF VOTING CONFLICTS

Section 2-443(c) – An official may not vote on or participate in any matter to provide or obtain a special financial benefit.

DISCLOSURE OF VOTING CONFLICTS

In other words, they may not vote on or participate in a matter that will result in a special financial benefit being given to:

1. Themselves
2. Their spouse, domestic partner or household member
3. A close family relative as listed in this section
4. An outside employer or business of theirs or their spouse/domestic partner
5. A customer of their outside employer or business
6. A substantial debtor or creditor
7. A civic, religious or charitable organization – serves on board

DISCLOSURE OF VOTING CONFLICTS

The Vested Voter

A landscape designer who serves as a Town Commissioner files a plan for a new development she intends to build in Town.



DISCLOSURE OF VOTING CONFLICTS

The Vested Voter

Is it permissible for her to vote on this project as a Town Commissioner?



VOTING CONFLICTS

The Vested Voter

Answer: **No!** Both the PBC Code of Ethics and the Florida Code of Ethics prohibits the official from voting on any matter in which she has a financial interest.



VOTING CONFLICTS

The Vested Voter

Is it permissible for her to appear as her company's representative before the Town Commission to present the proposal for approval?



VOTING CONFLICTS

The Vested Voter

Answer: No! While the Florida Code only prohibits voting on this issue, PBC Code prohibits both voting and participation that attempts to influence the vote.



VOTING CONFLICTS

The Vested Voter

May she meet with building staff to review her proposed design and obtain their input as to whether it meets building code standards?



VOTING CONFLICTS

The Vested Voter

Answer: Yes! As with anyone, she has a right to make sure her proposal is within building code standards. However, she must take care not to try to influence, based on her position as Commissioner.



CONTRACTUAL RELATIONSHIPS

Section 2-443(d)

General Rule: You may not enter into contracts or provide goods or services to the public entity you work for or represent.

CONTRACTUAL RELATIONSHIPS

The Code regulates some contracts you enter into in your private capacity because of your public employment or position.

This includes contracts between the public entity you serve, and...

- ◆ ...You
- ◆ ...Your outside employer
- ◆ ...Any business in which you, your spouse, a household member, or a close family relative, alone or in combination, have at least a 5% ownership share.



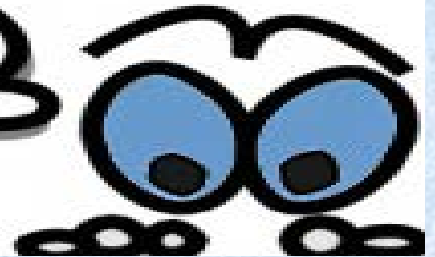
EXCEPTIONS
to the
Rule!

EXCEPTIONS

1. Your outside employer is another governmental entity
2. It is a sealed bid/low-bid contract (and you meet additional requirements)
3. Emergency purchases
4. Sole source of supply
5. Contract is for less than \$500 per year
6. You are an employee, and meet the part-time employment exception
7. For extra-duty details (Police and Fire exception)

OUTSIDE EMPLOYMENT WAIVER

**IS THE POTENTIAL
EMPLOYER A VENDOR?**



OUTSIDE EMPLOYMENT WAIVER

ONLY NEEDED IF POTENTIAL EMPLOYER IS A VENDOR OF YOUR AGENCY

- ❖ Potential employer **does not** have contracts that you or your department or section will oversee, administer or enforce.
- ❖ You **did not** participate in awarding the contract.
- ❖ Part-time employment **will not** impair or interfere.
- ❖ **Comply** with internal policy.

OUTSIDE EMPLOYMENT WAIVER

Complete a Conflict of Interest Waiver

- ❖ Complete and sign under Oath.
- ❖ Review by Supervisor.
- ❖ Chief Administrative Officer

SEND COMPLETED FORM TO THE COE

CONTRACTUAL RELATIONSHIPS

ADVISORY BOARD MEMBERS

Prohibition from entering into a contract with the public entity they serve....

...**but**, this prohibition is limited to the department(s) your board oversees



The same exceptions apply as with elected officials and employees

OTHER ISSUES

Travel Expenses

Disclosure of Inside Information

Nepotism

TRAVEL EXPENSES

There is a prohibition against accepting travel expenses directly from:

- Contractor
- Vendor
- Service Provider
- Bidder
- Proposer

TRAVEL EXPENSES - EXCEPTIONS

1. Waived by the Board of County Commissioners or Municipal governing body...
2. The expenses are reimbursed or paid by...
 - a. Another governmental entity, or
 - b. An organization that your employer is a member, and the travel is related (*i.e. League of Cities*)

TRAVEL EXPENSES

The Weary Traveler

An employee wishes to attend training in Orlando. Vendor pays for hotel.



TRAVEL EXPENSES

The Weary Traveler

**Has the employee violated
the Code of Ethics?**



TRAVEL EXPENSES

The Weary Traveler

Answer: Yes! The employee did not have the prohibition waived prior to the trip; and they cannot allow travel expenses to be paid directly by a vendor without the waiver.



DISCLOSURE OF INSIDE INFORMATION

Prohibition from using information...

Gained through your job

Not available to the general public

For your personal benefit or the benefit of any other person or entity



DISCLOSURE OF INSIDE INFORMATION

The Pernicious Planner

A staff member has drafted several options for the extension of a major road. She realizes that the commission has informally selected an option. The information is not yet available to the general public.



DISCLOSURE OF INSIDE INFORMATION

The Pernicious Planner

1. Is she allowed to purchase land surrounding the planned extension hoping to sell it for a premium?



DISCLOSURE OF INSIDE INFORMATION

The Pernicious Planner

Answer: No! She would be in violation of the section prohibiting the use of inside information for personal gain.



DISCLOSURE OF INSIDE INFORMATION

The Pernicious Planner

2. Is she allowed to tell someone else to purchase land surrounding the planned extension to sell it for a premium?



DISCLOSURE OF INSIDE INFORMATION

The Pernicious Planner

Answer: No! She would still be in violation of the section prohibiting the use of inside information for personal gain.



NEPOTISM

Employees, Officials or Advisory Board Members are prohibited from

Appointing

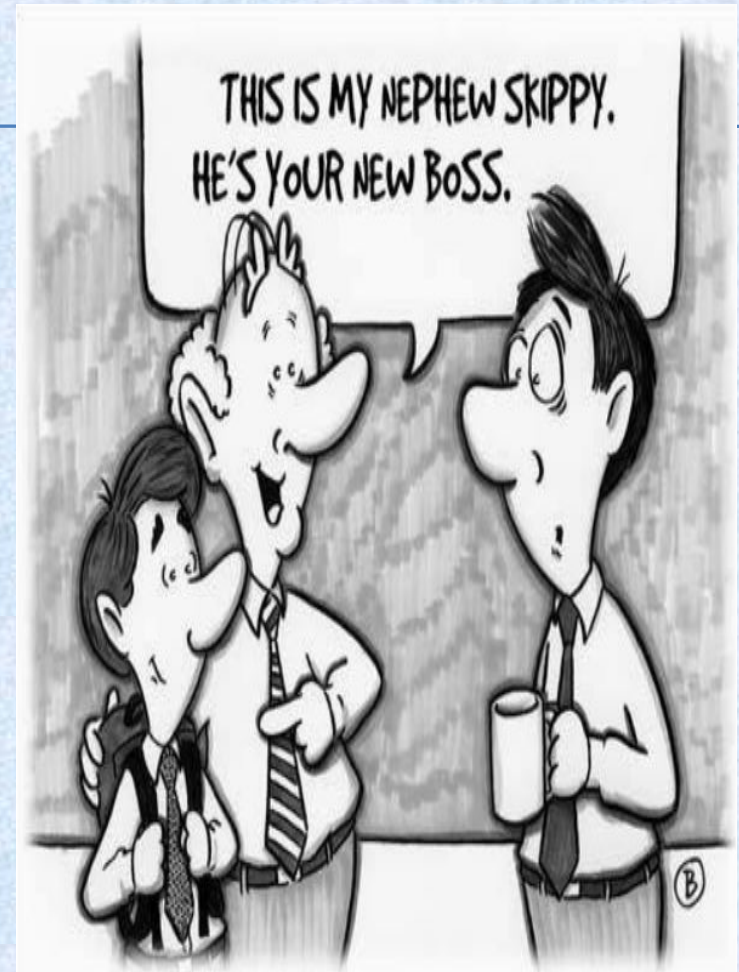
Employing

Promoting

Advancing, or....

Advocating

.....to benefit any **close family relative**
or a spouse or domestic partner



NEPOTISM - EXCEPTION



Advisory Boards

Cities with a population under 35,000 can appoint to boards that don't have land-planning or zoning responsibilities

GIFT LAW - SECTION 2-444

Absolute Prohibitions: \$0

- ⊗ Kickbacks
- ⊗ Bribes
- ⊗ Tips (1 exception)



GIFT LAW - SECTION 2-444

\$100 Gift Limit (annually)

- 👉 Vendors
- 👉 Bidders/proposers
- 👉 Lobbyists
- 👉 Principals or employers of lobbyists



GIFT LAW - SECTION 2-444

Reporting Requirements (non-state reporters)

✍ Gifts in excess of \$100 per Year (Aggregate)



ABSOLUTE PROHIBITIONS – SECTION 2-444(E)

No person or entity shall offer or give or receive a gift of any value, when that gift is based on an action, omission, or even a promise of...

- ❖ An official action taken or to be taken or could be taken;
- ❖ A legal duty performed or to be performed or could be performed;
- ❖ A legal duty violated or to be violated or could be violated

Bribes /kickbacks are ALWAYS UNLAWFUL under the Code and FL criminal law.

EXCEPTION TO ACCEPTANCE OF TIPS

The Surly Server

There is a waiter at a municipal golf course restaurant. Customers usually leave him money over the amount of the bill in the form of a “tip.”



EXCEPTION TO ACCEPTANCE OF TIPS

The Surly Server

May he accept the tip?



EXCEPTION TO ACCEPTANCE OF TIPS

The Surly Server

Answer: Yes!



LIMITED EXCEPTION FOR TIPS

ADVISORY OPINION - RQO 11-028

YOU ASKED if employees of the Village Country Club may accept tips without violating the Code of Ethics.

IN SUM, *city employees specifically hired for service related jobs may continue to accept service tips.*

CHARITABLE SOLICITATIONS

It is generally prohibited to solicit or accept any gift from a vendor or lobbyist greater than \$100, in the aggregate, for any year.

Even if you are not the final recipient of the gift, a gift to be passed on to someone else is a “pass through” gift.

CHARITABLE SOLICITATIONS

**How does this rule apply to solicitations
from a vendor or lobbyist that are meant for a
charitable purpose?**

CHARITABLE SOLICITATIONS

The Philanthropic Runner

A county employee is running a race on behalf of St. Jude Children's hospital and needs to raise \$2,000. She receives a \$300 donation from Office Depot, a county vendor.



St. Jude Heroes *Run For a Reason.*

CHARITABLE SOLICITATIONS

The Philanthropic Runner

Can she accept
the donation?



St. Jude Heroes *Run For a Reason.*

CHARITABLE SOLICITATIONS

An employee or official may solicit donations of more than \$100 from a vendor or lobbyist of their government on behalf of any non-profit charitable organization, providing the person or entity soliciting ...

- ✓ Files a **Charitable Solicitation Log** with the COE
- ✓ Does not use county or municipal resources to solicit the funds.
- ✓ And, does not solicit any person or entity with a “current” bid or proposal still outstanding (even if they are a current vendor).

CHARITABLE SOLICITATIONS

The Philanthropic Runner

Can she accept
the donation?



St. Jude Heroes *Run For a Reason.*

CHARITABLE SOLICITATIONS

The Philanthropic Runner

Answer: Yes! She can accept the donation, so long as she

- ✓ “logs” the donation,
- ✓ doesn’t use county resources,
- ✓ doesn’t solicit any person or entity with a bid proposal or application outstanding, and
- ✓ there is no “quid pro quo” or other special consideration.

GIFT LAW DISCLOSURE REQUIREMENTS

State Reporting Individuals

- “Local Officers” and department managers
- Quarterly Reporting Required
- Send your state form to the Florida COE **and** a copy to the County Commission on Ethics at the same time.

FLORIDA COE: (850) 488-7864

Form 9 QUARTERLY GIFT DISCLOSURE (GIFTS OVER \$100)				
LAST NAME -- FIRST NAME -- MIDDLE NAME			NAME OF AGENCY:	
MAILING ADDRESS:			OFFICE OR POSITION HELD:	
CITY:	ZIP:	COUNTY:	FOR QUARTER ENDING (CHECK ONE): JANUARY JUNE SEPTEMBER DECEMBER 20__	

PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date the gift was received. If any of these items, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

☐ CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

PART C — OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate, and truthful listing of all gifts required to be reported by Section 112.3145, Florida Statutes.	STATE OF FLORIDA COUNTY OF _____ Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____ by _____ _____ (Signature of Notary Public-State of Florida) (Print, Type, or Stamp Commissioned Name of Notary Public) Personally Known _____ OR Produced Identification _____ Type of Identification Produced _____
SIGNATURE OF REPORTING OFFICIAL _____	

PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (for example, if a gift is received in March, it should be disclosed by June 30).

CE FORM 9 - EFF. 12/2007 (Order to Rule 34-7.01(1)(g), F.A.C. 34-66, 60216)

(See reverse side for instructions.)

GIFT LAW DISCLOSURE REQUIREMENTS

Local Reporting Individuals

- Everyone else
- Yearly Reporting (FISCAL)
- Due November 1
- Send to COE by Fax, Email or U.S. Mail.
- If you have no gifts, please do not file a blank form.

PBC Gift Form		YEARLY GIFT DISCLOSURE (GIFTS OVER \$100)	
LAST NAME -- FIRST NAME -- MIDDLE NAME		NAME OF MUNICIPALITY	
MAILING ADDRESS	DEPARTMENT	OFFICE OR POSITION HELD	
CITY	ZIP	FOR YEAR	

PART A -- STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the fiscal year (October 1-September 30) for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on page 2 of the form, you are not required to disclose gifts from relatives or certain other gifts. **You are not required to file this statement for any fiscal year during which you did not receive a reportable gift.**

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

☐ CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B -- RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

PART C -- OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate and total listing of all gifts required to be reported by Article XII, Sec. 2-444 of the Palm Beach County Code of Ethics.

SIGNATURE OF REPORTING OFFICIAL _____

PART D -- FILING INSTRUCTIONS

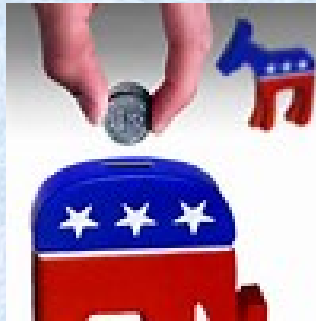
This form, when duly signed, must be filed with the Commission on Ethics, 300 North Dixie Highway, Suite 450, West Palm Beach, Florida 33401. The form must be filed no later than the first day of November for the previous reporting year.

EXCEPTIONS TO THE DEFINITION OF GIFTS

(ONLY FOR NON-STATE REPORTING INDIVIDUALS)



- ❖ Political contributions
- ❖ Gifts from relatives or members of your household
- ❖ Personal gifts over \$100, if given by a personal friend or co-worker and **motivation** of is friendship/social relationship
- ❖ Awards for civic/professional achievement
- ❖ Advertising materials (from vendors)
- ❖ Gift solicited for a public purpose
- ❖ Inheritance

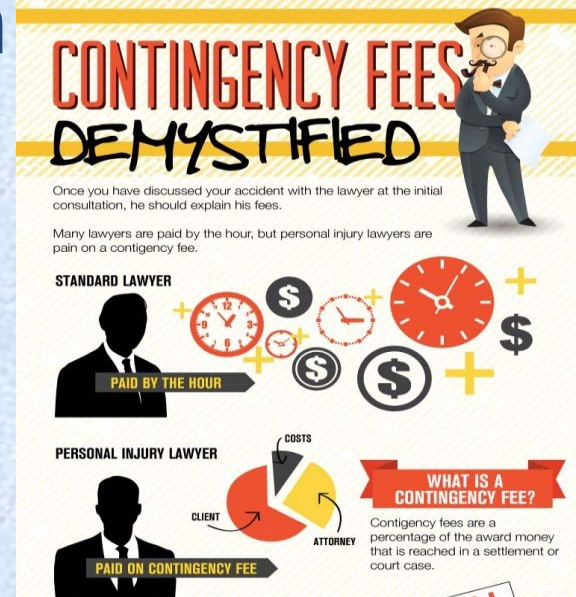


MISCELLANEOUS PROVISIONS

Honesty in
Applications



Contingent Fee Prohibition (Attorneys, Lobbyists)



ENFORCEMENT

- Commission on Ethics: Civil Code Enforcement Board
 - ◆ Letter of Reprimand or Instruction.
 - ◆ Fine up to \$500 per violation.
 - ◆ Restitution where indicated.

ENFORCEMENT

- **Criminal**: Knowing and willful violations are referred to the State Attorney's Office and may be punishable as first degree misdemeanors
 - ◆ Up to 1 year in jail and
 - ◆ Fine up to \$1000
- ✱ Government employer can discipline or terminate employees as allowed under their policies and/or rules.



PALM BEACH COUNTY COMMISSION ON ETHICS

"Honesty, Integrity, Character"

ETHICS

"Ask First, Act Later"

Call Us: **HOTLINE: 877-766-5920**

Email Us: **Ethics@palmbeachcountyyethics.com**

Visit Us: **www.PalmBeachCountyEthics.com**

Like Us:
facebook.com/pbccoe



Follow Us:
[@pbccoe](https://twitter.com/pbccoe)



The Historic 1916 Palm Beach County Courthouse
300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401