


SUBJECT ETHICS AND PERSONAL RESPONSIBILITY	POLICY NUMBER 3.08	
POLICY MAINTENANCE ADMINISTRATOR: General Counsel		
PURPOSE/SCOPE: To establish policy and procedures for department members, regarding personal responsibility and ethical issues such as solicitation or acceptance of gifts, doing business with the Department, conflicting employment or contractual relationships, and disclosure of special interests.		

I. AUTHORITY

Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees

Governor's Executive Order 19-11 on Ethics, Open Government, and Preventing Sexual Harassment, effective January 8, 2019

II. DEFINITIONS

- A. Application - A verbal or written communication where a member holds himself/herself out as available for employment or contractual relationship for remuneration.
- B. Chief Ethics Officer - The position responsible for providing guidance and information to agency members regarding provisions of this policy and Chapter 112, Part III, Florida Statutes.
- C. Conflict or Conflict of Interest - A situation in which a private interest may lead to disregard of a public duty or interest.
- D. Entity - Any non-governmental individual, partnership, association, corporation (for profit or not-for-profit), utility, or other organization, whether public or private, doing business with or subject to regulation by the Department.
- E. Gift – Anything accepted by a member or on the member's behalf, whether directly or indirectly for the member's benefit and for which no payment is made. It includes real property, tangible or intangible personal property, or a beneficial interest in real property or tangible or intangible personal property, or other item of material value to the recipient.

Executive Director SIGNED ORIGINAL ON FILE	Effective Date 07/01/1985
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- F. Lobbyist – Any person who meets the definition of that term as used in Chapter 112, Part III, Florida Statutes. It does not include an agency, judicial, or legislative employee acting in the normal course of their duties. A “principal” is anyone (other than an agency, legislative or judicial branch entity) who employs or retains a lobbyist.

- G. Material Interest - Direct or indirect ownership of more than five percent of the total assets or capital stock of any business entity.

- H. Member - The Executive Director, any Career Service, Senior Management Service, Selected Exempt Service, or Other Personal Service member of the Department.

- I. Procurement Employee - Any member who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influences the content of any specification or procurement standard, renders advice, investigates, audits, or in any other advisory capacity in the procurement of contractual services or commodities in excess of \$1,000 in any year.

- J. Relative - An individual related to an agency member 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 or half sister.

- K. Reporting Individual - Any member required to file a full or limited financial disclosure pursuant to Section 8, Article II of the Florida Constitution or Section 112.3145, Florida Statutes.

- L. Secondary Employment - Rendering of services to any employer (including self-employment) other than the State of Florida and for which the member receives compensation.

III. POLICY

Members of the Department of Highway Safety and Motor Vehicles (DHSMV) hold their positions for the benefit of the public. Providing highway safety and security through excellence in service, education, and enforcement is our mission. Members are expected to exhibit the highest standards of ethical conduct in performing their responsibilities in support of our mission and to serve all persons with courtesy, efficiency, and respect.

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Except as amended herein, the provisions of the Governor's Code of Ethics and Code of Personal Responsibility are adopted by reference and incorporated within this policy. They are made applicable to all reporting individuals and procurement employees of the Department. All members who fall within either of these categories are required to sign a pledge to that effect which shall be maintained in the member's personnel file.

IV. PERSONAL RESPONSIBILITY

- A. The Department's vision of leading the way to "A Safer Florida" gives shape and direction to the organization's future. We strive to create a safer world for every citizen and visitor in Florida through our values of service, integrity, courtesy, professionalism, innovation, and excellence in all we do. All members are expected to display these values in our daily work lives and in every customer interaction.
- B. It is the personal responsibility of each member to abide by agency policies, procedures, work-related laws, and meet expectations relating to workplace behavior and performance. Supervisors are expected to accurately convey and effectively apply agency policies, procedures, and laws assisting their subordinates with compliance when necessary.
- C. Members are required to give all constituents fair and equal opportunity to express their concerns and ideas regarding Department programs and policies without regard to their political affiliation, sophistication, or affluence. Recommendations and decisions made by members in the performance of their duties shall be made without bias and shall not be improperly influenced by the race, color, national origin, age, sex, handicap, or religious creed of the individual(s) affected by or subject to the action.
- D. Members will safeguard their ability to make objective, fair and impartial decisions. Members may not accept benefits of any sort under circumstances in which it could be inferred that the benefit was intended to influence pending or future decisions, or to reward a past decision. Members should not engage in conduct that might undermine the public trust.

V. PROCEDURES

- A. Chief Ethics Officer - The agency General Counsel is designated as the DHSMV Chief Ethics Officer. Any issues arising from application of this policy and/or the requirements of Chapter 112, Part III, Florida Statutes, will be the responsibility of the Chief Ethics Officer. Members may use the Request for Legal Assistance form to seek guidance on ethical issues.

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- B. Reporting Individuals and Procurement Employees (RIPE) - Members filling positions so designated are required to be familiar with and abide by all provisions of Chapter 112, Part III, Florida Statutes.
1. The Bureau of Personnel Services, in conjunction with the Office of General Counsel, will identify positions that must annually file financial disclosure with the Florida Commission on Ethics and positions that meet the definition found in Section 112.3148, Florida Statutes for Procurement Employees.
 2. Position descriptions requiring financial disclosure and/or procurement authority will reflect such designations.
 3. A new member subject to financial disclosure and/or those designated as Procurement Employees will sign a statement acknowledging their understanding of the provisions of Chapter 112, Part III, Florida Statutes.
 4. Members who are designated as Reporting Individuals and/or Procurement Employees are required to bring any questions, concerns, or potential conflicts in their compliance with the provisions of this policy and/or Chapter 112, Part III, Florida Statutes, to their division director's attention. The division director will consult with the Chief Ethics Officer who will review the issue and submit an opinion.
 5. If a member has a contractual relationship, position or owns a material interest in an entity with which the Department does business or regulates, they will file a sworn statement disclosing such interest to the Commission on Ethics (and provide a copy to the Chief Ethics Officer).
- C. Conflict of Interest and Avoiding the Appearance of Impropriety
1. No member acting in an official capacity will directly or indirectly purchase, rent, or lease for the Department from any business entity in which they or their spouse or child has a material interest, contractual relationship, or position. A Department member, acting in a private capacity, will not rent, lease, or sell any realty, goods, or services to this Department. No member will be held in violation of Subsection 112.313(12), (b), F.S., if the business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and;
 - (a) The member or their spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;
 - (b) The member or their spouse or child has in no way used or attempted to use their influence to persuade the Department or any members to enter such a contract other than by the mere submission of the bid;
 - (c) The member, prior to or at the time of the submission of the bid, has filed a statement with the Department of State disclosing their interest, or the interest of their spouse or child and the nature of the intended business.

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2. Further exceptions stated in Subsection 112.313(12), F.S., pertaining to the Department also include:
 - (a) an emergency purchase or contract which will be made in order to protect the health, safety, or welfare of the citizens of the State or any political subdivision thereof;
 - (b) if the business entity involved is the only source of supply within the member's political subdivision and there is full disclosure by the member of his/her interest in the business entity before the event being transacted;
 - (c) if the total amount of the transaction does not exceed \$500.
3. No member shall participate in an official capacity in any matter that would inure to his or her special private gain or loss or which the member knows will inure to the special private gain or loss of any relative or business associate.
4. Each member of the Executive Leadership Team is required, by July 1 of each year, to disclose to the Chief Ethics Officer annually whether he or she has an immediate relative (spouse, siblings, parents, children) who is either a member of the Department or a lobbyist.
5. Any member who has an immediate relative (spouse, siblings, parents, children) who is a lobbyist will not participate in any matter that would inure to their relative(s) special gain or loss and will recuse themselves from discussions or meetings involving clients of their immediate relative.

D. Solicitation and/or Acceptance of Gifts

1. No member may solicit any gift, regardless of its value, if the gift is for the personal benefit of themselves, their family, or another employee.
2. No RIPE may accept anything of value from a lobbyist or a lobbyist's principal, regardless of whether the thing is being offered or given for the purpose of lobbying. RИPEs who are married to or involved in a personal relationship with a lobbyist or principal should consult with their division director and the Chief Ethics Officer for guidance on the situation.
3. No RIPE may accept a gift from a non lobbyist. There are limited exceptions regarding accepting gifts from non lobbyists that are relatives or personal friends. Consult with the Chief Ethics Officer for clarification on any particular situation. On-site consumption of food and refreshment at events is permitted provided the RIPE's attendance is an appropriate exercise of official duties.
4. A RIPE may accept a thing of value provided by an employee organization, union or professional organization even though the entity is a lobbyist or principal if the thing of value is provided in connection with the member's membership or solicitation of membership in the entity and that membership is allowed by law or collective bargaining agreement and acceptance otherwise is not prohibited by statute or does not give rise to an appearance of impropriety. The value of the thing of value may not exceed \$25.
5. Employees are prohibited from traveling on state business in a private aircraft unless they have obtained prior authorization from the Chief Ethics Officer.

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6. The on-site consumption by a RIPE of food or refreshments at receptions or other events sponsored by non-lobbyists or principals is allowed provided the value does not exceed \$25.
 7. RИPEs are not prohibited from attending a community event open to all persons or accepting any item or benefit generally available for free or below the customary rate if the terms or rate is 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. For example, the consumption of food at one seating in an event *that is open to the public-at-large*, even if all or part of the cost of the food has been provided by a lobbyist or principal is allowed.
 8. If all or a portion of the expense of the food or refreshments at receptions or other events *not open to the public-at large* is provided by, sponsored by or underwritten by a lobbyist or a principal, an offset/reimbursement must be made to avoid the prohibited receipt of a thing of value and/or a prohibited receipt of an expenditure. The amount of reimbursement should be confirmed with the host and payment promptly made to avoid a violation of this restriction.
 9. There are occasions (e.g. group events with multiple sponsorships; invitations from friends who are also lobbyists or their principles) that may not be as clear cut. Because not every possible situation can be anticipated in this policy, RИPEs are to consult with the Chief Ethics Officer who shall be guided by the Code of Ethics adopted by Executive Order 11-03.
- E. Other Employment
1. No member will accept other employment with any business entity subject to the regulation of, or doing business with, the Department.
 2. A member will not accept other employment that would create a conflict between their private interest and the performance of their duties (see Management Policy 5.03, Dual Employment and Compensation).
 3. No member will accept other employment which might impair their independence of judgment in the performance of the member's public duties.
 4. No member will receive any compensation for services as a Department member from any source other than the Department except as may be otherwise provided by law.
- F. Family Employment (NEPOTISM)
- As prescribed in Section 112.3135, F.S., supervisors may not appoint, employ, promote, advance or advocate for appointment, employment, promotion or advancement in or to a position in the unit in which they serve or over which they exercise jurisdiction or control, any individual who is a relative or who poses a conflict of interest.

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G. Supervisory Relationships

To promote efficient and effective agency operations and to avoid the appearance of favoritism, discrimination including sexual harassment, or an adverse impact on morale, supervisors will not engage in sexual or romantic relationships with members they supervise directly or through subordinate supervisors. Members will immediately advise their supervisor of any such relationship. The division director, when possible, will make appropriate reassignments/transfers in accordance with DHSMV Policy 5.11, Pay Policy and Personnel Actions, or FHP Policy 5.01, Reassignment, if feasible.

H. Serving as Officers/Directors of Governmental and Non-Governmental Entities

1. A member may serve on a board or commission of another governmental entity provided the entity is not regulated by DHSMV and such service has been approved by the Chief Ethics Officer.
2. Voluntary, pro bono services by a member on behalf of non-profit organizations are permitted as long as the services to the organization do not have the potential to create a conflict of interest, do not impair the member's ability to discharge their public duties fully and faithfully or do not otherwise give rise to an appearance of impropriety.
3. No member who serves as an officer or director of any non-governmental corporation, company, partnership or other entity, regardless of its private or public ownership, or its for-profit or not-for-profit status, may participate in an official capacity in any matter coming before the Department involving the entity when that participation could result in special private gain or loss, or which the member knows could result in special gain or loss for the member, any person associated with the entity or the entity itself. Should any situation arise in which this prohibition applies, the member shall promptly disclose, to their supervisor, the conflict and indication of non-participation in the matter.

I. Confidential Information

1. No member will accept employment or engage in any business or professional activity which they might reasonably expect would require or induce the member to disclose confidential information acquired by reason of their official position.
2. No member will disclose or use information not available to the general public gained by reason of their official position for the member's personal gain or benefit, or the personal gain or benefit of any other person or entity.

J. Disciplinary Action

Violation of any provision of this policy will constitute grounds for disciplinary action up to and including dismissal from employment.