

**EXECUTIVE OFFICE OF THE GOVERNOR  
OF THE STATE OF FLORIDA**



**ETHICS MANUAL  
EFFECTIVE FEBRUARY 28, 2020**

**PLEDGE ON BEHALF OF THE PEOPLE OF FLORIDA**

1. I have been provided with a copy of Governor DeSantis' Ethics Manual.
2. I understand that, by holding a position within state government, I have taken on the mantle of public service.
3. I am committed to maintaining an honest, ethical, and open system of government for the people of Florida.
4. I therefore pledge to honestly and faithfully comply with both the letter and spirit of this Code of Ethics, as well as the requirements set forth in Chapter 112, Part III Florida Statutes, in the discharge of my duties and responsibilities as a public servant. As part of this commitment, I pledge to be on guard against and to avoid the appearance of impropriety in conducting the people's business.
5. I further pledge that, should questions regarding appropriate behavior arise, I will seek guidance from the appropriate person within my agency or the Executive Office of the Governor on how to resolve the matter in question.

---

Signature:

---

Print Name:

---

Date:

## **I. GENERAL PROVISIONS**

The Executive Office of Governor Ron DeSantis is dedicated to performing faithfully its duties bestowed upon the State of Florida by the United States Constitution, the State Constitution, and federal and state laws. The Office is committed to the highest standards of ethics to promote the public interest and preserve public trust in the government. The State is a national leader in its ethics and open government laws, and this Office pledges to execute its duties for the benefit of the people of Florida.

Executive branch employees shall review this revised gubernatorial Ethics Manual (“Manual”). The Manual provides clear, concise and enforceable standards that incorporate and, in some cases, exceed the ethical requirements of Chapter 112, Part III, Florida Statutes (“Statutory Code”). It serves as an increase or additional standard of conduct for employees and in no way replaces or alters the statutory requirements. Thus, to the extent that a statutory provision is not enhanced by an express provision of this Manual, the Statutory Code applies. Accordingly, all executive branch employees should familiarize themselves with the requirements of the law.

The term “employees” in the Manual refers to all “reporting individuals” (*i.e.* those required to file a full or limited financial disclosure pursuant to Article II, Section 8 of the Florida Constitution) and “procurement employees” (*i.e.* participants in procuring government goods or services of more than \$10,000 per year). As used in the Manual, the definition also applies to all employees in the Office of the Governor and to all executive agency secretaries or agency heads, deputy secretaries or deputy directors, chiefs of staff, general counsels, communications directors, and directors of legislative affairs.

Employees, as described above, shall comply with the requirements of the Manual as well as the Statutory Code; Article I, Section 24 of the Florida Constitution; Chapters 112 and 119, Florida Statutes; and Chapter 34, Florida Administrative Code. Each secretary of an executive agency under the purview of the Governor shall review the Manual and evaluate his or her agency’s existing code of ethics to ensure that it models the obligations in this Manual.

## **II. DESIGNATION OF AN ETHICS OFFICER**

Pursuant to Executive Order 19-11, Governor DeSantis directed that his General Counsel shall serve as Chief Ethics Officer for the Executive Office of the Governor and that the secretary of each executive state agency under his purview shall designate a Chief Ethics Officer for his or her respective agency. Accordingly, each agency’s Chief Ethics Officer must make efforts to ensure that employees responsible for adhering to the Manual, or their respective agency’s code, become familiar with relevant ethics, public records and open meeting requirements.

Each agency secretary shall develop training on ethics, public records, open meetings, records retention, equal opportunity and proper personnel procedures, and thereafter each agency’s Chief Ethics Officer shall arrange appropriate training of agency employees on an annual basis.

### III. AVOIDING THE APPEARANCE OF IMPROPRIETY

Employees shall use the powers and resources of the Governor's Office or their respective agencies to advance the public interest and not for any personal benefit (other than salaried compensation and employer-provided benefits). Employees are expected to safeguard their ability to make fair and impartial decisions, and therefore may not accept a benefit of any sort when a reasonable observer could infer that the benefit was intended to influence a pending or future decision of the employee, or to reward a past decision. Employees shall avoid any conduct, whether in the context of business, financial or social relationships, that might undermine the public trust including conduct that lends itself to the appearance of ethical impropriety.

Employees shall consider their circumstances and recuse themselves from certain matters where prior dealings, finances or personal relationships could lead to the appearance of impropriety. **Such recusal must be delivered in writing to the Governor's Office of General Counsel.** For example, specific instances of recusal *include* matters involving or impacting a spouse, a prior or future employer, or a prior contract or legal agreement involving the employee or the employee's financial interest. Employees shall use their best judgment and consult their agency Chief Ethics Officer as necessary. An employee's failure to submit a written recusal when justified may constitute grounds for termination of employment.

### IV. FINANCIAL DISCLOSURE

Certain employees are required to make public disclosures of their financial interests. Conflicts of interest may occur when public officials are in a position to make decisions that could affect their personal financial interests. Therefore, certain employees are required to publicly disclose those interests. *See generally* §§ 112.3144 and 112.3145, Florida Statutes. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations and helps citizens monitor the considerations and actions of government actors.

Pursuant to § 112.3145, Florida Statutes, all non-clerical/secretarial employees may be required to file with the Commission on Ethics, a Form 1, Statement of Financial Interests and other forms as may be required by the statutory code (employees should visit the Commission on Ethics website for other forms that may need to be filed). *See* Statutory Code for exact reporting requirements.

Employees should also review regularly their personal assets, business interests and investments to assure that any potential for conflict or the appearance of impropriety is avoided.

### V. GIFT REQUIREMENTS

When considering receipt of gifts and services from other individuals and organizations, employees shall consider and apply the requirements of this Manual. These guidelines are meant to serve as an overview and do not excuse or exempt an employee from reading and

understanding the standards of conduct set forth in the Statutory Code. Employees with questions or concerns should consult their agency Chief Ethics Officer.

A “gift” is anything accepted by a person, whether directly or indirectly by another, for that person’s benefit and for which no payment is made. A gift may include real property or its use; tangible or intangible personal property or its use; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation; lodging; parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.

The term “lobbyist” is any person who meets the definition of that term in the Statutory Code. Consistent with § 112.3215, Florida Statutes, a “lobbyist” does not include an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties. Consistent with the Statutory Code, a “principal” is anyone (other than an agency, legislative branch entity or judicial branch entity) who employs or retains a lobbyist, either as an employee or independent contractor. The Florida Legislature maintains a website of all registered principals and executive branch lobbyists that should be consulted by employees.

### 1. No Lobbyist Gifts

While § 112.3148, Florida Statutes outlines gift requirements for all government employees, § 112.3215, Florida Statutes provides separate prohibitions for gifts from lobbyists to executive branch employees. Pursuant to this Manual, employees shall not accept a gift from a lobbyist or a lobbyist’s principal, **regardless of whether the item or service is being offered “for the purpose of lobbying.”** In other words, the prohibition in § 112.3215(6)(a) on employees accepting a lobbyist gift applies as defined in § 112.3215(1)(d) despite whether the gift is “for the purpose of lobbying.”

**At all times, employees have a duty to inquire whether the thing of value accepted is from a lobbyist or principal of a lobbyist.** No gift should ever be accepted unless and until an employee determines whether it is being given by a lobbyist or the principal of a lobbyist. Employees should affirmatively consult the Florida Legislature’s website listing of registered lobbyists and principals: <http://www.leg.state.fl.us> Employees who are unable to access or verify a party’s status via the website should ask the offeror of the thing or event whether a principal or lobbyist is involved. If there is any doubt, employees should consult their Chief Ethics Officer.

### 2. Non-Lobbyist Gifts

Employees may not accept otherwise legal gifts from non-lobbyists if the gift could lead to impropriety or the appearance of impropriety. For example, employees may not accept gifts from: (1) current contract holders with the State of Florida; (2) parties soliciting, bidding on or expecting to bid on a contract with the state; and (3) parties who have pending matters awaiting decision by the state or who otherwise may be attempting to influence government matters.

Any otherwise legal gift from a non-lobbyist over \$100 must be reported under § 112.3148(8), Florida Statutes. *See* Statutory Code for exceptions. In addition:

- Gifts from relatives are excluded from the statutory definition of “gift” unless the relative is a lobbyist or the principal of a lobbyist, in which case the general prohibition on gifts from lobbyists applies unless there is reimbursement in value. The term “relative” shall follow the definition in the statutory code. *See* § 112.312(21), Florida Statutes.
- No prohibited gift may be received indirectly. Thus, a gift to an employee’s spouse or minor child could be considered a gift to the employee and may be prohibited if from a lobbyist, or otherwise may need to be reported, in line with the Manual and the Statutory Code. If there is any doubt, employees should consult their Chief Ethics Officer, and if necessary the Governor’s Office of General Counsel.

### 3. No Solicitation

No employee, acting in an official capacity, may solicit any gift, regardless of its value, if the gift is for the personal benefit of himself or herself, his or her family, or another employee.

## VI. CONSIDERATIONS FOR ACCEPTING GIFTS, SERVICES OR HONORARIA

Generally, any reimbursement is measured as the cost of the item to the person providing it. In the case of gifts, the cost is the actual value of the item, such as face value on admission ticket. While a membership fee required to use a golf course, tennis club, dining club or other private facility is not part of the reimbursable cost, the per person additional cost above the ticket’s face value for seating at a skybox or other exclusive seating area at a sporting or theatrical venue is part of the reimbursable cost and must be included. Employees should review the Statutory Code for more detailed rules on how to value and pay for gifts. *See* § 112.3148(7), Florida Statutes; *and* Rules 34-13.210 and 34-13.500, Florida Administrative Code.

On-site consumption of food and refreshment at receptions or other events, provided the employee’s attendance at such event is an appropriate exercise of official duties, may be permissible unless the food and refreshments are paid for by a lobbyist or principal. Additionally, employees are not prohibited from attending an event open to all persons, or from 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 a rate available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

**NOTE:** There is no gift if the employee reimburses the other person for the cost of the item. If an employee is unsure whether something constitutes an impermissible gift, he or she can always pay for the item or service.

The Statutory Code provides helpful guidance for employees considering whether goods or services may or may not constitute gifts:

- A gift does not include salary, benefits, services, fees, commissions, gifts or expenses associated primarily with one's employment.
- A gift does not include contributions covering expenses for campaign-related personal services provided by non-compensated employees volunteering their time or any other contribution made by a political party or an affiliated party committee. *See* § 106, Florida Statutes.
- A gift does not include reimbursement or expenses covered for an employee, or employee's spouse, related to participation in an honorarium event. Employees are prohibited from accepting money payment or direct payment of monetary value for speaking appearances or for written works; however, reimbursement of expenses are permissible to the extent they cover expenses for the employee's participation in the event (*e.g.* an event sponsor may provide accommodations for an employee delivering remarks or participating on a panel at an event, but payment for a speech is not permitted).
- A gift does not include non-monetary awards, plaques, certificates or other similar personalized items, given in recognition of the employee's public, civic, charitable or professional service.

The Statutory Code also provides helpful guidance for employees in conducting their actions:

- Employees and their spouses and children are prohibited from accepting any compensation, payment or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence their official action.
- Employees are prohibited from corruptly using or attempting to use their official positions to obtain a special position for themselves or others.
- Employees acting as purchasing agents or employees in their official capacity are prohibited from purchasing, renting or leasing any realty, goods or services for the Office or agency from a business entity in which they, their spouse or child own more than 5% interest or serve as an officer or director. Similarly, employees acting in a private capacity are prohibited from renting, leasing or selling any realty, goods or services to the State. Employees should consult their Chief Ethics Officer regarding exceptions and/or recusals.
- Employees are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with the Office or agency. Employees are also prohibited from holding any employment or having a contractual relationship which

will pose a conflict between the private interests and public duties or which will impede the full and faithful discharge of their public duties.

- An employee who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation or auditing, regarding the Office's contract for services, is prohibited from being employed by a person holding such a contract with the Office or agency.
- Employees are prohibited from seeking for a relative any appointment, employment, promotion or advancement in the unit in which he/she is serving or over which he/she exercises jurisdiction or control.
- Employees are prohibited from directly or indirectly procuring contractual services for the Office from a business entity of which a relative is an officer, partner, director or proprietor, or in which they, their spouse or children own more than a 5% interest.
- Employees are prohibited from personally representing another person or entity for compensation before the Office for a period of two years after leaving their position, unless employed by another agency of the state government.
- A former employee, following retirement or termination of employment, is prohibited from having employment or a contractual relationship with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee.
- A former employee who retired or terminated employment is prohibited from having any employment or contractual relationship for two 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 state employee.

As a matter of general policy, any frequent-flyer miles and/or bonus miles awarded to an employee as a result of State-reimbursed travel may be used for personal use of the employee.

*See* Statutory Code for further discussion on gift parameters and exceptions.

## **VII. DUAL EMPLOYMENT AND OTHER SERVICE**

No employee may have any on-going dual employment, dual compensation or serve as an officer or director of any governmental or non-governmental corporation, company, partnership or other entity, regardless of its private or public ownership or its for-profit or not-for profit status, without prior approval from their agency Chief Ethics Officer.



## VIII. CONFLICTS OF INTEREST

No employee shall participate in an official capacity in any matter that would inure to his or her special private gain or loss, or which the employee knows will inure to the special private gain or loss of any relative or business associate. Employees should consult their Chief Ethics Officer regarding appropriate screening procedures for meetings, events, or other government matters that could lead to such an appearance of impropriety. However, no procedure shall limit the employee's ability to fulfill the core functions of his or her job, and nothing in this Manual is meant to prohibit an employee from addressing or making decisions relating to issues that may generally affect an industry or business sector with which the employee may have had a prior relationship.

## IX. APPLICATIONS FOR EXEMPTIONS

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from these requirements in certain individual cases. In such instances, prior approval from the agency Chief Ethics Officer is required in consultation with the Governor's Office of General Counsel as necessary.

## X. REPORTING VIOLATIONS

All ethics violations should be reported to the agency Chief Ethics Officer.

## XI. POLICY ADMINISTRATION

The Personnel Office is responsible for notifying employees appointed to designated positions of the requirement to file financial and gift disclosures. Contact: (850) 717-9210

The Governor's Office of General Counsel is responsible for providing clarification to employees on the specific ethics policies outlined herein. Contact: (850) 717-9310

Questions about the ethics laws may be addressed to the Commission on Ethics. Contact: (850) 488-7864

Questions about the public records and/or sunshine laws may be addressed to the Governor's Office of Open Government. Contact: (850) 717-9248; [desantis.opengov@eog.myflorida.com](mailto:desantis.opengov@eog.myflorida.com)