

## 800.5: City of Orlando Ethics Policy

### Objective:

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Our goal at the City of Orlando is to make sure City employees act ethically at all times and comply with Florida's Sunshine and Public Records law. We are committed to conducting City business ethically, openly and transparently, so that our citizens can have confidence in their government.

### Authority:

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This procedure amended by City Council March 30, 2020, Item A-6.

### Direction:

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City employees, elected officials and anyone who serves on City boards must follow this Ethics Policy.

### Functions:

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#### 1. Ethical Guidelines

City employees, elected officials and those who serve on City boards should always:

- a. Avoid doing anything, personally or professionally, that might seem or appear to be improper or unethical.

- b. Become familiar with this Ethics Policy. If you don't understand any part of it, or have questions, ask your supervisor or the City Attorney's Office for help.
  - c. Tell your supervisor or the City Attorney's Office immediately if you believe anyone has violated this Ethics Policy. Employees, officials and any citizen may also contact, anonymously if desired, the Office of Audit Services and Management Support through the **HOTLINE at 407.246.2678** if you suspect dishonest or fraudulent activity.
  - d. Treat citizens fairly and courteously when they apply for City services.
2. Ethical Prohibitions

City employees, elected officials and those who serve on City boards should never:

- a. Take any gift<sup>1</sup> that would influence your judgement or ability to make a fair and impartial decision, or create an impression that you are not fair or impartial.<sup>2</sup>
- b. Ask for any gift from anyone (except relatives and friends who have no business dealings with you in your City position). Individuals, businesses and community groups may be offered the opportunity to contribute a gift or donation to City efforts that serve a public purpose, so long as no City employee would benefit from the gift or donation and it is clear that the gift or donation will not be a factor in any way in granting or denying

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<sup>1</sup> Gifts are defined by Florida Statutes as: that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days. § 112.312, Fla. Stat. (2015).

<sup>2</sup> The subject of gifts is also covered by the State of Florida Code of Ethics, which is found in Chapter 112, Florida Statutes. You can obtain a current copy of this statute on-line (<http://www.ethics.state.fl.us/>) or from the City Attorney's Office.

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any City benefit or in making any other City business decision (for example, donations should never be solicited in the same conversation that a City business or regulatory decision impacting the prospective donor or his or her business is discussed.)

- c. Take any gift worth more than \$100.00 from a person (other than a relative) or business if you, as a City representative, are currently doing business with that person or business, or making decisions about their business, property or personal interests.
- d. Take any gift worth more than \$25.00 without reporting<sup>3</sup> that gift to the Chief Administrative Officer within 30 days of getting that gift, unless:
  - i. The gift is for a holiday or birthday, when it is clear that the gift has nothing to do with City business.
  - ii. The gift is from your personal friend, who has no business dealings with you in your City position.
  - iii. The gift is a meal offered occasionally, and in a professional or social context.
  - iv. The gift is admission to events to which you are invited in your official capacity to represent the City of Orlando.
  - v. The gift is made to the City, and the City will keep it.<sup>4</sup> If the gift is perishable (such as food or flowers), then it should be for the enjoyment of everyone in a public or common room.
- e. Use any City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services except for City business,

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<sup>3</sup> The form for this report is attached at the end of this Ethics Policy at Appendix 1.

<sup>4</sup> Non-perishable items will be considered accepted on behalf of the City if they are promptly delivered to the City Clerk's office.

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except on the same basis that they are otherwise normally available to the public, unless written City policies allow such use.

- f. If you are an employee, take any outside employment or become involved in private business that would interfere with your regular work for the City.<sup>5</sup>
- g. Use confidential information, or other information gained from your employment that is not generally known to the public, for personal advantage.
- h. Use your City position to get any benefit that is not available to members of the public.
- i. Use anything that belongs to the City and is not available for use by the general public for any purpose or reason other than City business (unless the use is allowed by written City or Departmental policy).
- j. Select (or participate in the selection of), refer City business to, approve City invoices or authorize City work for any companies or persons providing services or selling anything to the City if you are employed by those companies or persons.<sup>6</sup>
- k. Personally, or through a business in which you own a material interest, provide goods or other services to the City for compensation.
- l. Hold any outside job or own any business unless written approval is first obtained from the Chief Administrative Officer or

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<sup>5</sup> Employees must comply with Florida law to prevent conflicting employment or contractual relationships, specifically Section 112.313(7), Florida Statutes.

<sup>6</sup> This subject is also covered by City Charter, Chapter 2, sections 7- 9, attached at the end of this Policy as Appendix 2.

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his designee (applicable to fulltime and permanent part-time employees only).<sup>7</sup> Each such approval shall be reviewed each year by January 31st by the Department or Office Director and is subject to revocation at any time. Employees have the affirmative obligation to immediately notify their Department or Office Director if they learn that their outside employer is providing or is seeking to provide goods or services of any kind to the City of Orlando at any point during their employment.

- m. Do anything in a City capacity that would: (a) cause you, or anyone in your household to get a special financial benefit; or (b) cause any business to get a special financial benefit if either you or anyone in your household owns more than five percent of that business. “Special financial benefit” is one that would give you a disproportionate advantage, compared to the general public.
- n. Have intimate, sexual or dating relationships with any employee if you are that employee’s direct supervisor or you are the direct supervisor’s supervisor.

### 3. Florida Code of Ethics for Public Officers and Employees

The State of Florida has adopted a Code of Ethics for Public Officers and Employees. All employees, elected officials and City board members must follow the Florida Code of Ethics and this City Ethics Policy.

### 4. Additional Responsibilities of Department and Office Directors

City Department and Office Directors are responsible for proper training in and compliance with this policy within their programs. At minimum, each Director should ensure that each new employee receives a copy of the City’s Ethics Manual (now available on the City

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<sup>7</sup> The form for obtaining this approval is attached at the end of this Policy as Appendix 3. Civil Service employees working off duty in a sworn police officer or firefighter capacity need not obtain CAO approval so long as written approval has been obtained in accordance with the appropriate departmental policy.

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intranet) and attends ethics training either as part of the New Employee Orientation Session or a separately scheduled ethics training session. In addition, each Director should arrange for department specific training or reviews as needed. Each Department and Office Director will annually sign a copy of this policy, committing to following and enforcing its principles, and file the signature page with the City Clerk.

Each City Department and Office Director shall annually review by January 31st each Outside Employment Authorization Form in the Department or Office to determine if circumstances have changed. If the Director is notified that an outside employer is doing or potentially doing business with the City, the Director shall contact the City Attorney's Office for assistance in determining whether the outside employment can continue.

## 5. Policy Guidance

The Florida Commission on Ethics regularly issues guidance on ethical issues and the interpretation of Florida Statutes. Helpful guidance on valuing gifts includes the following:

- a. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance. (For example, private air transportation will be valued at the price of a commercial airplane ticket if that reservation was made at the same time the private travel was arranged).
- b. Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift.

- c. Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.
- d. The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

**Forms:**

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Gifts and Gratuities Form

Request for Authorization of Outside Employment Form

**Committee Responsibilities:**

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None.

**Reference:**

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Procedure adopted by City Council June 18, 2007, Item A-2 and effective June 18, 2007; amended October 24, 2016, Item A-3; amended March 30, 2020, Item A-6.

**Date:**

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This policy effective March 30, 2020.





**Appendix 2****Sec.7. Interest in Contracts with City – City Council.****(Laws of Fla. ch. 31081(1955), § 1; Ord. of 8-30-1976, § 2)**

No Mayor-Commissioner or any member of the City Council of the City of Orlando shall be directly or indirectly employed by any person, firm or corporation, nor be interested, directly or indirectly, in any firm, or corporation, having any contractual relation with, or rendering for any consideration, services to the City of Orlando, or the Orlando Utilities Commission, or any department or agency of either. No person firm or corporation having any contractual relation with, or rendering for any consideration, services to the City of Orlando, the Orlando Utilities Commission, or any department or agency of either, shall employ directly or indirectly the Mayor-Commissioner or any member of the City Council of the City of Orlando, nor shall any such firm or corporation have as a direct or indirect interested party thereof the Mayor- Commissioner or a member of the City Council of the City. No persons, firm or corporation which has the Mayor-Commissioner or a member of the City Council as an employee or as a direct or indirect interested party therein, shall be eligible to be considered to have a contractual relation with or to render for any consideration, services to the City of Orlando.

**Sec.8.Same – Employees of the City; Employees of Boards, Commissioners, and Agencies; Members of Boards.****(Laws of Fla. ch. 31081(1955), § 2; Ord. of 8-30-1976, § 3)**

No employee of the City of Orlando, or member of any board, commission or agency of the City of Orlando, or employee of any board, commission or agency of the City of Orlando shall be directly or indirectly employed by any person, firm or corporation nor be interested, directly or indirectly, in any firm or corporation having, or proposing to have any contractual relation with or rendering, or proposing to render for any consideration, services to the City of Orlando or any department, board or agency thereof, when the approval, concurrence, decision, recommendation or advice of the employee or member shall be sought, obtained or required in any connection with such contract or service. No person, firm or corporation having, or proposing to have any contractual relationship with, or rendering or proposing to render for any consideration services to the City of Orlando, or any department, board or agency of the City of Orlando, shall employ or have as an interested party, directly or indirectly, any employee of the City, member of any board of the City, or employee of any board, commission, or agency of the City, when the approval, concurrence, decision, recommendation or service of such employee or member shall be sought, obtained, or required in connection with such contract or service. No person, firm or corporation shall be deemed to be proposing to have a contractual relation with the City or to be proposing to render services to the City unless such person, firm, or corporation shall submit a bid to the City for a City contract, shall make a contractual offer to the City or shall request the City to reconsider entering a contractual relation with the person, firm or corporation.

**Sec.9.Same – Penalty.****(Laws of Fla. ch. 31081(1955), § 3; Ord. of 8-30-1976, § 4)**

Any officer or employee of the City of Orlando, or any candidate, member, officer or employee of any board, commission, agency or City Council of the City of Orlando, or any person, firm or corporation convicted of violating the provisions of Sections 6, 7, or 8 hereof shall be punished as provided in Section 1.08 of the City Code. Any member of the City Council convicted of violating the provisions of Sections 6, 7 or 8 hereof shall be subject to removal by the governor as if such section were included in the general laws of the state.



**Appendix 3**

**Request for Authorization for Outside Employment**

Name: \_\_\_\_\_ Employee Number: \_\_\_\_\_

City Position Title: \_\_\_\_\_ Department & Division: \_\_\_\_\_

Department Phone Number: \_\_\_\_\_

Name, address, and phone number of prospective employer/company (Include Self Employment):

\_\_\_\_\_

Duties/Nature and Location of work to be performed (Include Self Employment): \_\_\_\_\_

\_\_\_\_\_

Outside Employment Position/Title: \_\_\_\_\_

Specific work days and times: \_\_\_\_\_

Approximate # of Hours of Outside Employment Work per week: \_\_\_\_\_

Does this company now, or have any plans to, do any business with or provide service of any kind to the City of Orlando? Yes  No

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

Division Manager shall submit to the City Attorney's Office for prior written approval before submitting this form to the rest of the chain of command.

**\*\*The following two (2) questions should be completed by Fire Department Employees ONLY\*\***

When working in this other position, how many hours per week do you spend outside, or exposed to sunlight? \_\_\_\_\_

Working in this other position, are there chemicals, such as pesticides, fertilizers, etc. or any other harmful substances or conditions? Yes  No

The City of Orlando considers itself to be your primary employer and no outside employment shall interfere with your ability to efficiently and effectively carry out your assigned duties. As a City employee you must avoid engaging in or accepting private employment or rendering service for private interests when such employment or service is incompatible with the proper discharge of your official duties or would tend to impact your independence, judgment or action in the performance of those official duties. No employee shall personally, or through a business, in which he or she owns a material interest, provide goods or other services to the City for compensation. A "material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. City employees must comply with Policy and Procedure 800.5 and any other applicable policies. Employees have the affirmative obligation to immediately notify their Department or Office Director if their outside employer is providing or is seeking to provide goods or services of any kind to the City of Orlando at any point during their employment.

I have read and understood the above: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_



**Appendix 3**  
**Outside Employment – Supplemental Review**

**This form must be completed by an attorney in the City Attorney's Office.**

1. If "Yes" was checked on the question "Does this company now, or have any plans to, do any business with or provide service of any kind to the City of Orlando?", at least one of the following four boxes must be checked in order for the outside employment request to be approved:

This business contract to which the employing company is or will be a party to is not with the operating department in which the employee works, nor is it intended to primarily benefit that department.

The employing company is the only source of supply within the City of Orlando for the business or services it supplies the City.

The total amount of the transaction between the employing company and the City of Orlando does not exceed \$500 per calendar year.

The employing company's contract with the City was obtained through a sealed, competitive bidding process and the employee requesting outside employment approval (or their spouse or child) did not participate or attempt to influence this sealed bid process.

2. The following boxes must also be checked in order for the outside employment request to be approved.

The outside employment will not create a continuing or frequently recurring conflict between the employee's public duties and his or her private interests.

The employing company is not subject to the regulation of the operating department in which the employee works.

3. Business Relationship review

The outside employment will not present a conflict.

Notes: \_\_\_\_\_  
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**Signature of attorney completing this form:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed name of attorney completing this form:** \_\_\_\_\_  
\_\_\_\_\_