



You're in Government Now!

Ethics, Sunshine & Public Records:
Gifts, misusing your position, public
meetings and keeping documents.

Code of Ethics for Public Officers and Employees, Ch. 112, Fla. Statutes

- Civil penalties can include up to \$20K.
- Lose 1/3 of your salary for up to 1 year.
- Dismissal, demotion, reduction in salary.
- For elected or appointed officials in addition it can include impeachment and disqualification from office.
- Separate civil or criminal action could be prosecuted (fraud, embezzlement, bribery).

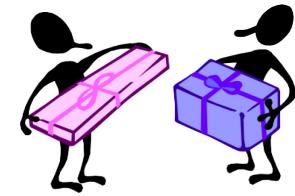


Looking at a gift horse in the mouth:

- All public officers and employees are forbidden from asking for or accepting any gift **to influence their official actions.**
- What's a gift? Anything of value, including food, tickets, lodging, a loan, a reward, a promise of a future job, a favor or a service.
- What about my wife/husband? You can't get around it by having your kids or spouse accept the gift for you.



Reporting Individuals



- In addition to the general rule, elected or appointed officials, including pension boards, code enforcement boards, planning boards and certain positions such as city manager, city attorney, building inspector and fire chief, **have to report all gifts above \$100**.
- Gifts between \$25-100 must be reported by the lobbyist/political committee giving the gift.
- Reporting individuals cannot accept gifts above \$100 from lobbyists; they can “pay it down” within 90 days.
- “Lobbyist” is anyone (consultant, attorney, representative) who in the past 12 months was **hired to influence your official decision making**.

Misusing your official position

- Cannot use your position to obtain a **special benefit** for yourself or others.
- Cannot **disclose information** not publicly available for your benefit or for the benefit of others.
- Cannot **get a relative a job** if you have control over the hiring at that agency.
- Cannot privately **do business** with the agency you work for.



Doing business with your agency:

Exceptions

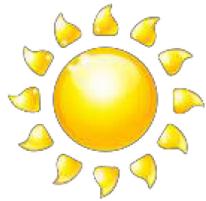
- Persons whose **professions** qualify them to hold their public position.
- Sealed **competitive bids**.
- **Sole source** or emergency purchases.
- Rotated business among all qualified suppliers.
- Employee **private purchase** at the same price available to the general public.
- **Volunteering** for a non-profit that gets a contract, if you abstain from vote/hire and disclose.
- Less than **\$500 per year**.



Conflicts of Interest

- Voting conflicts of interest occur when the elected or appointed **official stands to gain or lose financially** by their vote.
- It does not include: personal opinion or viewpoint, emotional conflict or political position. If present, they have to vote.
- A benefit or burden that is more generally shared by the public in general is not sufficient to trigger the voting official's financial conflict.





Government in the Sunshine: What does it mean exactly?

- All decisions of local government have to be taken at **meetings held in public after notice**.
- What about citizen committees? Any committee appointed by government to make recommendations to the decision-making body must meet in the Sunshine.
- That means you can't talk to anyone who is on your committee about anything that may come before your committee.
- Talking to staff is allowed, just don't use them to pass messages along to other committee members.

What about...



- Emails? Email communication is not allowed between committee members.
- Texting? Texting between committee members is also not allowed.
- Front porch conversations? Also not allowed to discuss government business that way.
- “Like” on Facebook? Liking a post having to do with the business of your committee could be a violation if someone else on your committee sees it and also posts they “Like” it.
- You can talk about social topics (the weather, your kids)

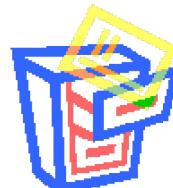
Public records: What are they and when can I get rid of them?

- Any “thing” prepared or received by employees or officials that **has to do with the official business of the city is a public record**.
- That includes emails, texts, letters, pictures, diagrams, petitions, videos, reports.
- If you are a public official, simply forward or give the document to staff and they will preserve it.
- If you are an employee, **do not destroy** or delete a **public record unless it is in compliance with the formal State of Florida Document Retention Schedule Manual** for that specific type of document. Items in litigation must be preserved until the litigation is complete.



What do I do if someone asks for a public record?

- Most documents are open to the public for their review, with your supervision. Photocopies are at their cost.
- A number of exceptions to the public records law exist, including active investigations, litigation, financial and health information. Please check with your supervisor or the city attorney if you are unsure.
- The person does not have to fill out a form, give you their name, or explain why they want to see the public record.
- Be prompt. If the request will take extensive research time, you may charge the cost of your research time to the person asking for the record. You don't have to answer questions about the public records, simply provide them.



Social Media Best Practices

The U.S. Supreme Court has a two-part test to determine if your social media post is official city business or not:

- 1) Do you possess actual authority over the topic you posted about? and
- 2) Is your post communicating something that you have authority over?

Best practices:

- a) If you have a City controlled, City backed-up official social media page, City staff will save all comments and posts. You cannot block someone or delete their comments (Lindke v. Freed (2024)). Please use this only for official City business.
- b) If you are using your personal social media page, avoid using it for City business:
 - i) Make sure that in your bio or “about” section you clearly state that this is your personal page and that you are not using it in an official capacity. Do not put your City title or wear a City logoed shirt. LinkedIn is the only media where your current career position is a default, so make sure your bio clearly states that you are not posting in your official capacity on behalf of the City, but for personal career development purposes.
 - ii) Only post/share information that is available publicly from other sources; newspaper/TV stories, press releases, etc. and make it clear that you are posting this as a private citizen, not in your official capacity speaking on behalf of the City.
 - iii) Do not engage in stating your official position as a Commissioner in back-and-forth comments.