

# AVIATION AUTHORITY POLICY

<b>100:</b>	<b>ORGANIZATION</b>	<b>Effective:</b>	<b>04/01/82</b>
	<b>CONDUCT</b>	<b>Revised:</b>	<b>06/08/89</b>
<b>P150:</b>	<b>Code of Ethics and Ethics Program</b>		<b>10/09/97</b>
			<b>04/11/02</b>
			<b>03/04/04</b>
			<b>09/06/12</b>
			<b>10/31/13</b>
			<b>01/20/15</b>
			<b>01/27/17</b>
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**PURPOSE:** To protect the integrity of the Authority by providing a guide for proper conduct of Board members and employees of the Authority, including discipline for violations, and establishing a program for compliance with the Federal Sentencing Guidelines for Organizations and Florida’s Whistle-blower’s Act.

## **LEGAL CONSIDERATION:**

I. Code of Ethics. Section 2(5) of the Hillsborough County Aviation Authority Act imposes compliance with the Code of Ethics for Public Officers and Employees (“Code of Ethics”), Part III, Chapter 112, Florida Statutes. The following are highlights of the Code of Ethics as applicable to the Authority:

A. **Financial Disclosure:** In accordance with Section 112.3145, Florida Statutes, the following individuals (collectively referred to as “reporting individuals”) must file a Statement of Financial Interests (Form 1):

- 1) Board members,
- 2) Chief Executive Officer,
- 3) Executive Vice Presidents,
- 4) Vice Presidents,
- 5) Chief of Police,
- 6) Director of Finance,
- 7) Director of Procurement,
- 8) Procurement Agents, and
- 9) Purchasing and Materials Manager.

The disclosures must be filed within 30 days of appointment and annually no later than July 1 with the Supervisor of Elections for the county in which the reporting individual permanently resides. In addition to annual filings, a Final Statement of Financial Interests (Form 1F) must be filed within 60 days of leaving an Authority

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office or employment with the Supervisor of Elections for the county in which the reporting individual permanently resides. Section 112.3145, Florida Statutes.

- B. Gifts: For purposes of the Code of Ethics, a gift means 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 value is not given within 90 days. Section 112.312(12), Florida Statutes. A vendor means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services. Section 112.3148(2)(f), Florida Statutes.
1. Board members and employees of the Authority may not solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that the vote, official action, or judgment of such officer or employee would be influenced thereby. Section 112.313(2), Florida Statutes.
  2. Board members and employees of the Authority who have responsibilities that include the review, selection, award, or administration of contracts funded in whole or in part with federal funds will neither solicit nor accept gratuities, favors or anything of monetary value from a contractor or subcontractor or potential contractor or subcontractor that has or is pursuing such contract, except where the gift is an unsolicited item of nominal intrinsic value (unsolicited gifts with a value of \$25 or less). 49 CFR §18.36(b)(3)(iv).
  3. In addition to the above restrictions on the acceptance and solicitation of gifts, more rigid rules apply to reporting individuals.
    - a. A reporting individual may not solicit any gift from a vendor doing business with the Authority, a political committee as defined in

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Section 106.011, Florida Statutes, a lobbyist who lobbies or has lobbied his or her agency within the past 12 months, or the partner, firm, employer, or principal of such lobbyist. Further, a reporting individual is prohibited from accepting, directly or indirectly, a gift worth over \$100 from such parties. Such parties must notify the reporting individual at the time a gift is made having a value in excess of \$25, but not in excess of \$100, that such parties will report the gift to the Commission on Ethics. Section 112.3148, Florida Statutes.

- b. A reporting individual or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee. For purposes of this section, the term gift means any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to Chapter 106, Florida Statutes. For purposes of this section, the term immediate family means any parent, spouse, child, or sibling. Section 112.31485, Florida Statutes.
- c. A reporting individual that accepts a non-prohibited gift over \$100 must file a quarterly gift disclosure (Form 9) on the last day of any calendar quarter following the calendar quarter in which he or she received such gift. The following gifts are not subject to disclosure in Form 9: gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed on a separate form. Sections 112.312 and 112.3148, Florida Statutes.

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- d. The Authority may give a gift of over \$100 to a reporting individual if a public purpose can be shown for the gift. The reporting individual must file a disclosure (Form 10), while the Authority must provide such individual a statement of the gift. Section 112.3148, Florida Statutes.
- C. Honoraria: For purposes of the Code of Ethics, an honorarium is the payment of money or anything of value, directly or indirectly, to a reporting individual, or to any other person on his or her behalf, as consideration for an oral presentation or writing. Section 112.3149(1)(a), Florida Statutes. A reporting individual is prohibited from soliciting an honorarium which is related to the reporting individual's public office or duties. A reporting individual also is prohibited from knowingly accepting an honorarium from a political committee, as defined in Section 106.011, Florida Statutes, from a vendor doing business with the Authority, from a lobbyist, or from the employer, principal, partner, or firm of such a lobbyist. A reporting individual may accept the payment of actual and reasonable transportation, lodging, food and beverage expenses, and registration fees related to an honorarium event from such persons or entities prohibited from paying an honorarium, provided that the expenses are disclosed on an annual statement (Form 10) by July 1 of each year for those expenses received during the previous calendar year along with the reporting individual's Form 1. Section 112.3149(6), Florida Statutes.
- D. Doing Business with the Authority: No employee acting in their official capacity as a purchasing agent, or public officer acting in their official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the Authority from any business entity of which they or their spouse or child is an officer or has a material interest. Section 112.313(3), Florida Statutes.

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- E. Conflicts of Interest: A conflict of interest arises in any situation in which regard for a private interest tends to lead to disregard of a public duty or interest. Section 112.312(8), Florida Statutes.
  
  - F. Misuse of Public Position: No Board member or employee of the Authority will corruptly use or attempt to use his or her position or any property or resource within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. Section 112.313(6), Florida Statutes.
  
  - G. Penalties: Penalties for violation of the Code of Ethics include, but are not limited to, dismissal, demotion, impeachment, removal, suspension, public censure and reprimand, limited forfeiture or reduction in salary, restitution and civil penalties not to exceed \$10,000, in addition to any other criminal or civil penalty. Section 112.317, Florida Statutes.
  
  - H. Ethics Commission: The Florida Commission on Ethics serves as the guardian of the Code of Ethics and provides for complaint procedures. Section 112.320, *et seq.*, Florida Statutes.
  
  - II. Federal Sentencing Guidelines for Organizations. The Federal Sentencing Guidelines for Organizations establish the penalties organizations are subject to as a result of wrongdoing, fraudulent or dishonest activity and prescribe the control elements organizations can employ to mitigate federal penalties, including the establishment of an effective compliance and ethics program.
  
  - III. Whistle-blower's Act. Florida's Whistle-blower's Act, as set forth in Section 112.3187, *et seq.*, Florida Statutes, was enacted to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare, or against any

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person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

**POLICY:** Board members and Authority employees shall become familiar with and comply fully with all of the provisions of the Code of Ethics, including the avoidance and reporting of conflicts of interest. Board members will publicly disclose, orally and in writing, conflicts of interest, consistent with Section 112.3143, Florida Statutes, and abstain from voting on any matter that would inure to their special private gain or loss, or that of a relative or business associate, consistent with the Authority’s policy on voting.

At the direction of the Chief Executive Officer, the Authority’s Director of Ethics, Diversity and Administration will establish an effective ethics and compliance program to ensure Authority employees comply with the Code of Ethics, the Federal Sentencing Guidelines for Organizations, and the Florida Whistle-blower’s Act. The ethics and compliance program will require appropriate employees to file an annual disclosure of actual or potential conflicts of interest; require new Authority employees to acknowledge the ethics and compliance program, this Policy and any accompanying Standard Procedures; and provide training and education to Authority employees. The ethics and compliance program will also provide for the Director of Ethics, Diversity and Administration to receive allegations of wrongdoing for investigation and corrective action, including the referral of fraudulent or dishonest activity or financial misconduct to the Director of Internal Audit.

Questions pertaining to the Code of Ethics and the ethics and compliance program are to be directed to the Director of Ethics, Diversity and Administration who will provide guidance. In addition, Board members or employees may request a formal opinion from the Florida Commission on Ethics for matters involving the Code of Ethics.