

**City of Tampa Personnel Manual**  
**B. Directives and Benefits**  
**B23 Code of Ethics**

*Issue Date: 09/18/98*

**B23A. Purpose**

1. To ensure the proper conduct and operation of the City through employment of individuals who are independent and impartial and that employment not be used for private gain or other remuneration.
2. The public interest requires protection against any conflict of interest and establishment of conduct for employees in situations where conflicts may exist.
3. No employee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of the employee's duties in the public interest.
4. As required by law, employees are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Employees are bound to observe, in their official acts, the highest standards of ethics consistent with Florida law and the advisory opinions rendered with respect thereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.
5. To affirm the City's agreement with and refer employees to Part III of Chapter 112 of the Florida Statutes, Sections 8.07 and 10.04 of the City of Tampa Charter and Article VI of Chapter 2 of the City of Tampa Code.
6. It is not the intent of this policy, nor shall it be construed to prevent any employee from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by the employee of employment duties with the City.

## **B23B. Policy**

### **1. Solicitation or Acceptance of Gifts**

No employee shall solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the action or judgment of the employee would be influenced thereby.

### **2. Doing Business With the City of Tampa**

No employee in the course of employment duties shall either directly or indirectly purchase, rent or lease any realty, goods, or services for the City from any business entity of which the employee or the employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or the employee's spouse or child, or any combination of them, has a material interest. Nor shall an employee, acting in a private capacity, rent, lease or sell any realty, goods, or services to the City of Tampa. This provision shall not affect or be construed to prohibit contracts entered into prior to qualification for elective office; appointment to public office; or beginning employment with the City.

### **3. Unauthorized Compensation**

No employee or the employee's spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when the employee knows, or, with the exercise of reasonable care, should know, that it was given to influence an action in which the employee was expected to participate in the employee's City employment capacity.

### **4. Misuse of Public Employment**

No employee shall corruptly use or attempt to use his/her City employment position or any property or resource which may be within the employee's trust, or perform his/her duties, to secure a special privilege, benefit, or exemption for himself/herself or others.

### **5. Conflicting Employment or Contractual Relationship**

No employee shall have or hold any non-City employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, the City division of which he/she is

employed, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City. Nor shall an employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his/her private interests and the performance of his/her employment duties or that would impede the full and faithful discharge of his/her employment.

6. Disclosure or Use of Certain Information.

No employee shall disclose or use information not available to members of the general public and gained by reason of City employment for his/her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

7. Employees are responsible for awareness of any federal, state, and local laws and regulations of which adherence is required due to the nature of their City employment.

8. Financial Disclosure

Individual employees required to file financial disclosure are notified by the City Clerk and shall fulfill all reporting requirements. Further information regarding these requirements is provided by the City Clerk or City Attorney.

9. Employees who are faced with any situation or action which may be construed as a conflict of interest must inform their department director. The department director shall contact the City Attorney for a determination. Failure of an employee to inform the department director or to proceed in the course of duties may result in dismissal and any penalties provided by state, federal or local laws or regulations.

**B23C. Definitions**

1. "Breach of the public trust" means a violation of a provision of the State Constitution, a state standard of ethical conduct, a disclosure requirement, or a prohibition applicable to employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution.

2. "Business associate" means any person or entity engaged in or carrying on a business enterprise with an employee as a partner, joint venturer,

corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

3. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
4. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public employee which is inconsistent with the proper performance of the employee's public duties.
5. "Gift"
  - a. Means that which is accepted by an employee or by another on the employee's behalf, or that which is paid or given to another for or on behalf of an employee, directly, indirectly, or in trust for the employee's benefit or by any other means, for which equal or greater consideration is not given, including:
    - 1) Real Property.
    - 2) The use of real property.
    - 3) Tangible or intangible personal property.
    - 4) The use of tangible or intangible personal property.
    - 5) A preferential rate or terms on a debt, loan, goods, or service, which rate is below the customary rate and is not either a government rate available to all other similarly situated non-City of Tampa government employees or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
    - 6) Forgiveness of an indebtedness.
    - 7) Transportation, other than that provided to an employee by an agency in relation to officially approved governmental business, lodging, or parking.
    - 8) Food or beverage.
    - 9) Membership dues.
    - 10) Entrance fees, admission fees, or tickets to events, performances, or facilities.
    - 11) Plants, flowers, or floral arrangements.
    - 12) Services provided by persons pursuant to a professional license or certificate.
    - 13) Other personal services for which a fee is normally charged by the person providing the services.
    - 14) Any other similar service or thing having an attributable value not already provided for in this section.

b. "Gift" does not include:

- 1) Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the employee's employment, business, or service as an officer or director of a corporation or organization.
- 2) An award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or professional service.
- 3) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- 4) The use of a public facility or public property, made available by a government agency, for a public purpose.
- 5) Transportation provided to an employee by an agency in relation to officially approved governmental business.
- 6) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) The purposes of paragraph (a) "intangible personal property" means property as defined in s. 192.001 (11)(b).

"Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

6. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the employee.
7. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this policy, indirect ownership does not include ownership by a spouse or minor child.
8. "Materially affected" means involving an interest in real property located within the jurisdiction of the City of Tampa or involving an investment in a business entity, a source of income or a position of employment, office, or

management in any business entity located within the jurisdiction or doing business within the jurisdiction of the City of Tampa which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

*Issue Date: 09/18/98*