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I. Policy

The Department of Health's (department) mission is to promote and protect the health and safety of all people in Florida through the delivery of quality public health services and the promotion of health care standards. In order to meet this challenge and to uphold our values of excellence, commitment to service, accountability, empowerment, integrity, respect, and teamwork, all department employees shall comply with Chapter 112, Part III, Florida Statutes (F.S.), and the requirements of this policy, which, in some circumstances, requires conduct beyond what is provided by law. All employees are expected to use the powers and resources of the department to further the public interest and maintain the respect and trust of the people of their government. Employees shall avoid any conduct, regardless of whether in the context of business, financial, or social relationships, which might undermine the public trust, regardless of whether that conduct is unethical or merely has the appearance of unethical behavior.

Employees are expected to safeguard their ability to make objective, fair, and impartial decisions. By embracing a strong code of ethics, we will further our department vision: "By providing quality services and promoting healthy communities we are valued by those we serve and our partners as the leading public health organization in the nation." All employees, including those working at or representing the department at a location other than their usual workplace, are expected to communicate with courtesy and respect in dealing with clients, the public, and other employees.

II. Authority

A. Chapter 112, Part III, Code of Ethics for Public Offices and Employees, F.S.

B. Article I, Section 24, Access to Public Records and Meetings, Florida Constitution

C. Chapter 119, Public Records, F.S.

D. Section 110.233, Political Activities and Unlawful Acts Prohibited, F.S.

E. Section 104.31, Political Activities of State, County, and Municipal Officers and Employees, F.S.

F. Section 456. 053, Patient Self-Referral Act 2, F.S.

G. 5 United States Code Sec. 1501-1506, Hatch Political Activities Act

H. Chapter 60L-36, Conduct of Employees, Florida Administrative Code (F.A.C.)

I. Governor's Code of Ethics Executive Order 07-01, effective January 2, 2007

III. Supportive Data

A. State of Florida Employee Handbook

B. Guide to the Sunshine Amendment and Code of Ethics, published by the Florida Commission on Ethics

IV. Signature Block with Effective Date

Signature on file	11/30/07
Ana M. Viamonte Ros, M.D., M.P.H. Secretary, Department of Health	Effective Date:

V. Definitions

A. **Conflict of Interest -** A situation where an employee's private interest interferes with a public interest or duty. A conflict of interest might exist when an employee has additional employment outside state government and is performing activities that the employee is expected to perform as part of his or her job with the department that results in substantial conflict with the proper discharge of his or her duties in the public interest. A conflict of interest may also exist when an employee is involved in the ownership of, employed by, or connected with, an organization that is subject to license or regulation by the department, unless it is clearly evident that the employee has no departmental responsibilities in the particular area concerned and his or her involvement would not give rise to a real or perceived conflict of interest.

B. **Employee -** Any person holding a position in the Senior Management Service (SMS), Selected Exempt Service (SES), or Career Service, or any person employed as OPS.

C. **Entity -** Any individual, partnership, association, corporation (for profit or not for profit), utility, or other organization, whether public or private. This would include clients or customers of the department.

D. **Ethics Officer -** Appointed official in the Office of the Governor and within each executive agency who will reasonably ensure that all department personnel are familiar with relevant ethics, public records, and open meeting requirements. The Secretary appoints the department's ethics officer within the Office of the General Counsel and this person will be responsible for interpreting code of ethics issues and coordinating responses with the Governor's office and the Commission on Ethics.

E. **Gift -** For purposes of ethics in government and financial disclosure required by law, 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 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 services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials 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 a debt;

7. Transportation, other than that provided to a public officer or 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; and

14. Any other similar service or thing having an attributable value not already provided for in Section 112.312(12)(a), F.S.

15. **Gift does not include:**

    a. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization;

    b. Contributions or expenditures reported pursuant to Chapter 106, F.S., campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party;

c. Honorarium or an expense related to an honorarium event paid to a person or the person's spouse (see Section VII.A.6. for prohibitions on accepting honorariums);

d. Award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service;

e. Honorary membership in a service or fraternal organization presented merely as a courtesy by such organization, i.e., a membership extended by an organization without cost to that organization;

f. Use of a public facility or public property made available by a governmental agency, for a public purpose;

g. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business; or

h. 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, i.e., Environmental Health Association in which the department has membership and a direct interest. However, this does not include organizations such as the Florida Medical Association, etc. (Section 112.312(12)(b), F.S.)

F. **Honorariums -** Payment of money or anything of value directly or indirectly to an employee as consideration for speaking appearances or articles authored by the employee (Section 112.3149(1), F.S.).

G. **Investment Interest -** Any arrangement whereby an employee acquires an ownership or equity interest or the right to acquire an ownership or equity interest in any entity.

H. **Prohibited Sources include:**

1. Lobbyist, which is a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or government entity to lobby on behalf of that other person or governmental entity. A lobbyist does not include an employee of an agency or of legislative or judicial branch entity acting in the normal course of his or her duties;

2. Partner, firm, member, employer, employee, or principal of a lobbyist;

3. Entity having a special monetary interest in a matter pending before the department;

4. Entity providing goods or services or doing business with the department under contract or agreement;

5. Entity seeking such business with the department; or

6. Entity regulated by the department.

I. **Public Records/Open Government Contact Person** – This person shall be designated by the Secretary, and shall be responsible for complying with public records/open government requests and compliance, and shall be the primary liaison between the department and the Governor's Office of Open Government for purposes of training and compliance.

J. **Regulatory Responsibility -** Duties or responsibilities assigned to an employee by management which involve:

1. The direct responsibility for determination of whether or not an entity is in compliance with federal, state, or local statutes or regulations, or for determination of or recommendation as to whether any license, authority to do business, or other certificate of authority issued by the department should be issued to an entity, or should be revoked, cancelled, or suspended;

2. Direct responsibility for the approval of purchases by the department for an entity; or

3. Custody, supervision, care, or treatment of prisoners, inmates, patients, clients, or other persons committed to a state institution.

K. **Relative -** Unless otherwise specified in this part, relative means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee (Section 112.312(21), F.S.).

L. **Solicitation -** To make an appeal, request, or apply undue influence for contributions including, but not limited to, monetary, materials, or services.

M. **Special Interest -** An interest in department programs or policies that is different from or over and above that of the average person. A person, organization, or corporation is considered to have a special interest when attempting to influence the outcome of a specific department policy, contract, or program, either for their benefit or for the benefit of those they represent.

N. **Specified State Employees -** As defined by the Commission on Ethics, the following categories of specified state employees, that pertain to department employees for the purpose of financial disclosure, include:

1. Legal counsel or assistant counsel, or hearing examiner;

2. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, council and, unless otherwise provided, division director, assistant division director, deputy director, bureau chief, or assistant bureau chief, or persons having the power normally conferred upon such persons by whatever title;

3. The superintendent or institutional administrator of a state mental health institute established for training and research in the mental health field, or of any major state institution or facility established for training, treatment, or rehabilitation, or persons having the power normally conferred on such persons by whatever title; and

4. Business managers, purchasing agents having the power to make any purchase exceeding $15,000, finance and accounting directors, personnel or human resource officers, and grants coordinators for any state agency or persons having the power normally conferred upon such persons by whatever title.

O. **Volunteer** - Any person who, of his or her own free will, provides goods or services, or conveys an interest in or otherwise consents to the use of real property pursuant to Sections 110.501, F.S., to any state department or agency, or nonprofit organization, with no monetary or material compensation.

P. **Volunteer Coordinators -** Any person who supervises or directs volunteer services as part of his/her responsibilities.

VI. Protocol

A. Employees are expected to review and comply with this policy. Violations may result in corrective action in accordance with the department's disciplinary standards.

B. For the department to realize its objectives, employees must perform their work assignments in a manner consistent with this policy.

C. Managers and supervisors are responsible for ensuring that all employees and contractors under their direction receive a copy of, or have access to this policy.

VII. Procedure

A. Awards, Gifts, Honorariums, and Travel

1. The compensation, employee benefits, and reimbursement received from the state of Florida shall be the sole financial or material benefit derived from employment in the department.

2. No employee of the department shall accept, directly or indirectly, any expenditure from a lobbyist or a lobbyist's principal. An expenditure includes meals, even if provided during a state function or training.

3. Awards, plaques, certificates or similar personalized items given in recognition of public, civic, charitable, or professional services may be accepted.

4. Employees will safeguard their ability to make objective, fair and impartial decisions by not accepting any gift that appears to influence or reward a specific or future decision, or constitutes a violation of Chapter 112, Part III, F.S., or this policy.

5. Employees cannot accept any gift from a **prohibited source,** regardless of value, unless covered by one of the following narrow exceptions:

   a. Gifts from relatives, unless the relative is a lobbyist or principal of a lobbyist;

   b. On-site consumption of food or refreshments during the time of a reception, meeting, or conference when attendance is appropriate to exercise official duties, unless provided by a lobbyist or principal of a lobbyist;

   c. Gifts accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the ethics officer has approved such gifts, and their acceptance is processed in accordance with the department's policy on donations; or

6. Employees should decline gifts and honorariums offered from prohibited sources. If declining would publicly embarrass the giver, the gift or honorarium should be donated in the giver's name to a state approved charity (as approved under the Florida State Employees' Charitable Campaign, FSECC). Perishable gifts such as food or flowers may be donated to a local hospital, nursing home, etc.

7. Employees are prohibited from accepting honorariums or any other thing of value for speaking appearances or articles authored by the employee when the subject falls within the scope and mission of the department and of the employee's official duties regardless of the time of day (such as a speech given

during non-working hours) or when the article is written. Honorariums may be donated to a state approved charity (FSECC) or the county health department (CHD) under the donation policy.

8. Employees receiving any payment for honorarium event related expenses must receive prior approval for such payment from the department's ethics officer.

9. Travel and expenses for attendance at officially sanctioned functions may be accepted from other governmental agencies and not-for-profit organizations with governmental grants for such expenses unless the agency or organization is a prohibited source.

10. Frequent Flyer Miles. The frequent flyer miles and/or bonus miles awarded to an employee as a result of state-reimbursed travel may be used for personal use by the employee.

B. Confidentiality and Public Records (Chapter 119, F.S.)

1. The department shall designate a public records/open government contact person. That person shall be responsible for complying with public records/open government requests and compliance and shall be the primary liaison between the department and the Governor's Office of Open Government for training and compliance.

2. Anyone may make a public records request without showing any special interest or purpose and the request may be in writing or made orally. Record custodians may not impose unreasonable restrictions on accessing or copying records and cannot refuse to permit inspection or copying of records on grounds that the request is excessive or lacks particularity. If a record custodian determines a record is exempt from disclosure, the custodian must state the basis for the refusal to disclose. Refer to the Records Management link: http://dohiws.doh.state.fl.us/Divisions/Administration/FormsAdmin/CenSupport/Retention/RecMgtindex.htm. Employees are encouraged to review the department's public records request policy and procedure (DOHP 30-1-06).

3. Many aspects of our mission involve confidential information and, in these areas, it is essential that we protect all clients' confidentiality and rights to privacy. If this trust is compromised, we will be unable to perform our mission. Revealing confidential information could result in criminal or civil prosecution. Therefore, each employee must be familiar with his or her unit's information security policies, protocols and procedures; attend security training within the first 30 days of employment, or before accessing confidential information; and report any suspected breaches of security to their supervisor or security coordinator. Additional information may be obtained in the department's "**Information Security Policy and Procedures Manual**."

4. Children may be brought to the workplace, with prior supervisory approval, in limited situations such as prior to pending doctor appointments or for an approved special event. Consideration for client confidentiality, the safety of the children, potential workplace disruption, and workspace limitations that must be addressed by supervisory staff prior to granting approval for allowing children in the workplace. In no case should the office be used as a substitute for childcare.

C. Employee Relationships with Regulated Entities or doing Business with One's Agency (Supplements the State of Florida Employee Handbook)

1. Each county health department director/administrator, division director, executive office director, or deputy secretary must identify positions with regulatory responsibilities as defined in this policy.

2. Employees are prohibited from holding an employment or contractual relationship with a regulated entity. Exemptions are addressed in Section 112.313(12), Part III, F.S., which pertains to persons serving on advisory boards.

3. Any employee with regulatory responsibilities who submits an application for employment with a regulated entity, receives an offer of employment or contractual relationship for remuneration from a regulated entity, receives a gift from a regulated entity, or obtains a financial interest in a regulated entity, will notify his or her supervisor within five workdays of such.

4. The appropriate supervisor must consider removing the employee from any further regulatory responsibilities involved with that regulated entity until the matter is satisfactorily resolved.

5. The position description for each position having regulatory responsibility must be annotated with a statement that includes, at a minimum, the following:

a. For positions in the Career Service, Senior Management, and Selected Exempt Service: "The incumbent in this position is considered to have regulatory responsibilities and is subject to the provisions of Chapter 60L-36, F.A.C."

b. Employees in Other Personal Services (OPS) employment performing functions with regulatory responsibilities are required to adhere to this policy.

6. No employee of the department acting in his or her capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for this department from any business entity of which he or she, or his or her spouse or child, is an officer, partner, director, or proprietor, or has a material interest. The employee shall not act in a private capacity, rent, lease, or sell any realty, goods, or services to the department pursuant to Section 112.313(3), F.S.

D. Employment of Relatives (Nepotism) (Section 112.3135, F.S., and supplements the State of Florida Employee Handbook)

1. Not more than one relative may be employed or appointed to the same organizational unit, unless it is clearly in the best interest of the department and prior written approval has been received from the appropriate delegated authority. An organizational unit is defined as the lowest functional operational component which is separately defined by unit title and recognized as such, or is designated as such by the delegated authority. Questions regarding this provision should be directed to the ethics officer, who may make a recommendation to the delegated authority.

2. This section does not apply to persons serving in a volunteer capacity.

3. In the event of an emergency, the Secretary may authorize the temporary employment of individuals whose employment would otherwise be prohibited by this section. "Emergency" for the purpose of this section means any occurrence or threat thereof, whether natural, technological, or manmade, in war or in peace, that results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

E. Financial Disclosure Requirements (Section 112.3144, F.S. or the Guide to the Sunshine Amendment and the Code of Ethics)

1. It is the responsibility of the individual employee to complete and transmit the appropriate disclosure forms to the Secretary of State. All specified employees, state officers and members of certain advisory boards are required to file Form 1, Statement of Financial Interest annually by July 1 or, in the case of newly appointed employees, within 30 days of appointment. (See definition of “Specified State Employees” in Section V.).

2. Employees leaving their public position are required to file financial disclosure within 60 days after leaving for the period between January 1 of the year in which the person leaves and the last day of office or employment.

3. Forms may be obtained from the Commission on Ethics’ web site: http://www.ethics.state.fl.us/. Employees listed on the Commission on Ethics' list will receive a form prior to July 1 of each year.

F. Membership/Participation on Boards

1. The department believes the public interest is served when department employees actively participate in local boards associated with public health. Yet, many of these public health board decisions (i.e., Healthy Start, Rural Health Network, Child Service Council, etc.) may have a direct or indirect impact upon the agency (i.e., funding, grants, policies, etc.) and may result or appear to result in a conflict of interest.

2. Employees participating on these boards have the responsibility of ensuring their participation does not violate law, this policy, or create a conflict of interest or the appearance of a conflict of interest with their employment with the department. Additionally, employees should avoid signing any contracts involving the Department of Health as a representative of the board and are reminded that acceptance of a board appointment may include personal financial responsibilities and liabilities.

3. Good judgment will be exercised in refraining from voting or discussing issues that may appear to be a conflict of interest with the goals or mission of the CHD. Employees have the responsibility of ensuring that their department employment is disclosed prior to participating in any discussions or voting on any issue which directly or indirectly impacts upon issues affecting the department.

4. When serving on public/governmental boards, in accordance with Section 112.3143, F.S., a written memorandum disclosing the nature of the conflict shall be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

5. Prior to participating on a board or as an elected officer, employees will discuss their participation with their local legal office or the department's ethics officer to assist with determining if there is a conflict of interest. Board members that receive payment for their services are required to complete and submit a Notification of Additional Employment Outside of State Government. This does not include individuals that only receive payment for incidental expenses such as travel, per diem, etc. to cover actual reasonable travel expenses.

6. Participation in board meetings will be during non-working hours (or while on approved leave) unless the membership on the board is work related and part of the overall job duties assigned to the position.

G. Political Activities

1. This section supplements Section 110.233, F.S., and Chapter 60L-36, F.A.C.

2. Employees are permitted to express their opinions on political subjects and candidates outside of the work area and during the employee's off-duty hours, including wearing badges or buttons, taking an active part in political campaigns, and displaying bumper stickers and posters. Employees are encouraged to vote and are entitled to administrative leave in accordance with state rules.

3. Unlawful Acts and Prohibited Political Activities include:

a. Displaying posters on political subjects, issues, or campaigns at the work site;

b. Soliciting or accepting campaign contributions or anything of value in a governmental building or office, including soliciting by electronic mail or telephone; for a political party or committee;

c. Favoring or discriminating with respect to state employment because of race, color, sex, religion, creed, national origin, age, marital status, disability, or political opinions or affiliation;

d. Using official authority or influence to secure an appointment to a position, an increase in pay, or other advantage in employment for the purpose of influencing the vote or political action. However, letters of inquiry, recommendations and references by public employees or public officials will not be considered political pressure unless any such letter contains a threat, intimidation, or irrelevant, derogatory, or false information.

4. Employees whose principal employment is in connection with an activity that is funded wholly or in part by federal funds or grants are subject to the federal Hatch Act and will not be eligible for candidacy for partisan elective office.

5. An employee who wants to run for local public office must review and comply with Chapter 60L-36, F.A.C. The written request to run for election must be submitted to his/her immediate supervisor to ensure that no conflict of interest arises. The immediate supervisor is to send the request to the servicing human resource office to be approved by the deputy secretary. Once approved by the deputy secretary, the Bureau of Human Resource Management will forward the request to the Department of Management Services for approval 45 days prior to the deadline for qualifying. This same procedure must be followed when an employee already holds a local public office at the time of employment within the department or when the employee seeks reelection while employed.

H. Prohibited Referrals (Section 112.313(3), F.S.)

To ensure the integrity of the department, employees may not use their position with the department to influence a referral and may not otherwise accept a referral from the department to a business entity in which the employee or a member of the employee's immediate family (spouse, child, child's spouse, grandchild, grandchild's spouse, parent, parent-in-law, or sibling) has an "investment interest."

I. Secondary Employment

1. The Secretary and deputy secretaries may not serve as an officer or director of any for-profit or publicly held company and department managers

(division directors, CHD directors/administrators, office directors or bureau chiefs) should avoid serving as an officer if there is a conflict or appearance of a conflict of interest. However, they may provide voluntary, pro-bono services on behalf of non-profit organizations, as long as services to such organizations do not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully and faithfully.

2. The Secretary and deputy secretaries may not have any other employment.

3. Other department employees who engage in additional employment outside the department or in dual employment must ensure that such employment does not interfere with their ability and availability to perform their job duties with the department, including overtime requirements. Such secondary employment must not constitute a conflict of interest as described in Chapter 112, Part III, F.S.

4. Teaching public health courses at a university may be considered as dual employment or additional employment but is subject to final approval and may be rescinded. Criteria for approval of dual employment include potential conflicts of interest, workload, performance, and whether dual or additional employment furthers the department's mission or interferes with the best interests of the state.

5. In accordance with Section 391.037, F.S., physicians providing children's medical services, that are employed by the department and provide private services to clients of the department, must follow the following guidelines:

a. Must not enter into contracts with the department on behalf of any business entity or agency with whom the physician is employed or has an employment or contractual relationship.

b. Ensure their private sector employment or contractual relationship does not create a conflict between their private interests and public duties or impede the full and faithful discharge of their public duties as an employee of the department.

c. Ensure their employment with the department does not compromise the ability of department clients to make a voluntary choice among department-referred physicians and private providers for their medical services.

6. **Additional Employment Outside State Government**. When accepting additional employment outside of state government during hours of the day other than the individual's scheduled state work hours, the employee will notify his or her immediate supervisor by completing the department's form for Notification of Additional Employment Outside of State Government. The form is available on the department's Intranet and may be printed or reproduced as needed. Additional employment outside of state government must not require the use of

state space, personnel, time, equipment, or supplies, unless approved by the department. If employment outside of state government is to take place during the individual's scheduled working hours, the employee must request and obtain approval of annual or compensatory leave. The supervisor will review, sign for receipt only, date the form, and forward to the servicing human resource office. The notification form will be placed in the employee's official personnel file.

7. **Dual Employment** occurs when an employee receives compensation simultaneously from two or more categories of state appropriations, i.e., salaries, Other Personal Services (OPS), and expenses, or compensation of an employee simultaneously employed by more than one state agency. Additionally, dual employment must comply with all provisions of the federal Fair Labor Standards Act (FLSA). No employee may have any on-going dual employment or dual compensation without prior approval from the Governor's Chief Ethics Officer.

J. Solicitation (Section 112.3149, F.S. and Chapter 60L-39, F.A.C.)

1 Employees are prohibited from soliciting any gift or honorarium, regardless of value, if it is for personal benefit. Examples include, but are not limited to soliciting food or gifts (cash donations, door prizes, gift baskets, etc.) from local companies for agency or public events.

2 Employees are permitted to place non-offensive personal items for sale for personal gain on employee bulletin boards and in employee break rooms as long as no state property, equipment, or services are used. This would include, but not be limited to Avon, Mary Kay, candy bars, used automobiles, furniture, and other personal property. Prohibited use of state property would include, but not be limited to, e-mails announcing such sales, reproduction of notices to be posted, office telephone calls and transactions being made on work time.

3 Employees are permitted to solicit before and after their normal business hours, even in work areas, so long as such solicitation is not for personal gain. Such solicitation must not involve political solicitation or disturb employees who are working and employees may not use state equipment or computer systems including e-mail, copiers, printers, etc. Examples would include, but not be limited to, holiday collections of food and gifts for needy families, etc. Distribution of this type of materials must be done before or after work hours, or during lunch, or break periods of employees.

4. In order to minimize disruption in the workplace and reduce administrative costs, the state of Florida established a single Florida State Employees' Charitable Campaign (FSECC). All solicitation for charitable organizations must be conducted during this annual campaign in accordance with Chapter 60L-39, F.A.C. The FSECC is the only fundraising drive allowed in the workplace during work time. The solicitation of state employees is allowed only through the FSECC during the period of September 1 to December 1 of each year--and then, only by peer "volunteers" who distribute the FSECC brochure and pledge form.

Even during the FSECC, individual organizations are not allowed to come into the workplace to solicit state employee contributions of time or money.

5. Solicitation for the state-sponsored insurance programs (i.e., health, state life, pretaxed supplements, etc.) and other state-sponsored programs (i.e., deferred compensation, agency sponsored insurance programs, etc.) is permitted; however, other non-state sponsored solicitation is prohibited inside a department building or on department grounds.

6. Solicitation and acceptance of contributions for clients or on behalf of the department from prohibited sources must be done by volunteer coordinators or other staff who do not have any authority to make decisions that would benefit the donor. Such contributions must be processed in accordance with the department's donation policy and there must be a clear audit trail. The department's ethics officer must approve all donations from prohibited sources. Questions regarding whether the donor is a prohibited source must be directed to the department's local legal representative or ethics officer.

K. Whistleblower's Act (Sections 112.3187 through 112.31895, F.S.)

1. The Whistleblower's Act is intended to prevent agencies or independent contractors from taking retaliatory action against an employee who reports, to an appropriate department official, gross mismanagement, illegal or fraudulent conduct, gross waste of funds, or gross neglect of duty on the part of a public employer or independent contractor that creates a substantial and specific danger to the public's health, safety, or welfare.

2. The Whistleblower's hot-line number is 1-800-543-5353 (in Tallahassee (850) 922-1060). This is a state employee's hotline for reporting violations of law and is not for general complaints or suggestions. Other means are available for resolving personnel problems or recommending cost-saving measures. Contact your servicing human resource office for additional information.

L. Requests for Exemptions and Questions

1. There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases. In those instances, written justification must be provided and prior approval of the delegated authority and the department's ethics officer is required.

2. Questions regarding the applicability of this policy to specific situations should be directed first to the servicing human resource office and they will coordinate with the legal office, or with the department's general counsel office prior to sending requests to the Commission on Ethics.

3. Situations not specifically covered by this Code of Ethics policy that may raise ethical concerns should be brought to the attention of the human resource

or legal office, which will coordinate all responses with the department's ethics officer to ensure consistency within the department.

VIII. Distribution List

Notification of Intranet location sent to the following:

All DOH Employees

IX. History Notes. This replaces DOHP 60-30-07 dated March 23, 2007. The Office of the General Counsel is responsible for this policy.