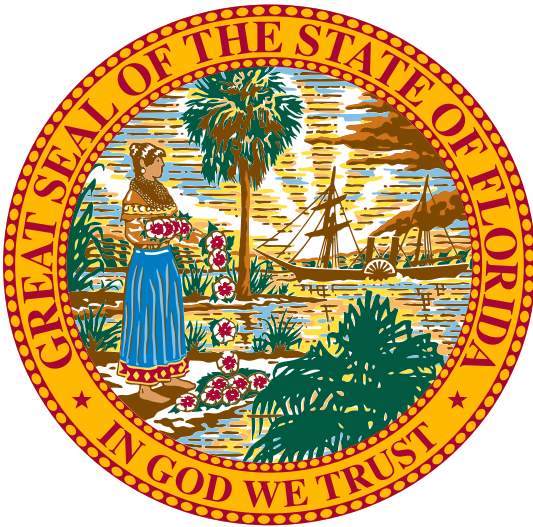


**FLORIDA EMERGENCY MANAGEMENT
ASSISTANCE FOUNDATION**



**CODE OF ETHICS
EFFECTIVE JULY 1, 2023**

I. GENERAL PROVISIONS

Pursuant to sections 252.71(4)(f) and 112.3251, Florida Statutes, the Florida Emergency Management Assistance Foundation (“FEMAF”) adopts this Code of Ethics, establishing standards of conduct and disclosures required under sections 112.313 and 112.3143(2), Florida Statutes, respectively.

FEMAF is dedicated to faithfully performing its duties, bestowed upon it by the laws of the State of Florida. FEMAF is committed to the highest standards of ethics to promote the public interest and serve its statutory purpose. This Code of Ethics shall provide clear, concise, and enforceable standards that incorporate the ethical requirements of Chapter 112, Part III, Florida Statutes (“Statutory Code”). Accordingly, all FEMAF board members, officers, and employees should familiarize themselves with the requirements of the law. The term “employees” in the Code of Ethics refers to all “reporting individuals” (i.e., those required to file a full or limited financial disclosure pursuant to Article II, Section 8 of the Florida Constitution) and “procurement employees” (i.e., participants in procuring government goods or services of more than \$10,000 per year). As used in the Code of Ethics, the definition also applies to all employees of the Florida Emergency Management Assistance Foundation. Employees, as described above, shall comply with the requirements of the Code of Ethics as well as the Statutory Code; Article I, Section 24 of the Florida Constitution; Chapters 112 and 119, Florida Statutes; and Chapter 34, Florida Administrative Code.

Failure of a FEMAF board member, officer, or employee to observe the Code of Ethics may result in the removal of that person from their position. Further, failure of the FEMAF to observe the Code of Ethics may result in the Florida Division of Emergency Management (“FDEM”) terminating its Agreement with FEMAF.

II. DESIGNATION OF AN ETHICS OFFICER

FEMAF’s Chief Ethics Officer is the General Counsel of FDEM. A FEMAF board member, officer, or employee must consult with the FDEM Office of the General Counsel for any guidance relating to this Code of Ethics.

III. AVOIDING THE APPEARANCE OF IMPROPRIETY

FEMAF board members, officers, and employees shall use their powers and resources to advance the statutory goals of FEMAF and the best interests of the residents of Florida, and not for any personal benefit (other than salaried compensation and employer-provided benefits, if any). FEMAF board members, officers, and employees are expected to safeguard their ability to make fair and impartial decisions, and therefore shall not accept a benefit of any sort when a reasonable observer could infer that the benefit was intended to influence a pending or future decision, or to reward a past decision, of the board member, officer, or employee.

IV. FINANCIAL DISCLOSURE

FEMAF board members, officers, and employees are required to make public disclosures of their financial interests. Conflicts of interest may occur when public officials are in a position to make decisions that could affect their personal financial interests. Therefore, FEMAF board members, officers, and employees are required to publicly disclose those interests. See generally §§ 112.3144 and 112.3145, Florida Statutes. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations and helps citizens monitor the considerations and actions of government actors.

Pursuant to § 112.3145, Florida Statutes, all non-clerical/secretarial employees may be required to file with the Commission on Ethics a Form 1, Statement of Financial Interests and other forms as may be required by the statutory code (employees should visit the Commission on Ethics website for other forms that may need to be filed). See Statutory Code for exact reporting requirements.

Employees should also regularly review their personal assets, business interests, and investments to assure that any potential for conflict or the appearance of impropriety is avoided.

V. GIFT REQUIREMENTS

No FEMAF board member, officer, or employee shall solicit or accept anything of value to or from a recipient, including a gift, honorarium, loan, reward, promise of future employment, favor, or service, based upon any understanding that their vote, official action, or judgment would be influenced thereby. When considering receipt of gifts and services from other individuals and organizations, a FEMAF board member, officer, or employee shall consider and apply the requirements of this Ethics Code. These guidelines are meant to serve as an overview and do not excuse or exempt a board member, officer, or employee from reading and understanding the standards of conduct set forth in the Statutory Code. A board member, officer, or employee with questions or concerns should consult the FDEM Office of the General Counsel.

A “gift” is anything accepted by a person, whether directly or indirectly by another, for that person’s benefit and for which no payment is made. A gift may include real property or its use; tangible or intangible personal property or its use; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation; lodging; parking; food or beverage; dues, fees, and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.

The term “lobbyist” is any person who meets the definition of that term in the Statutory Code. Consistent with § 112.3215, Florida Statutes, a “lobbyist” does not include an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties. Consistent with the Statutory Code, a “principal” is anyone (other than an agency, legislative branch entity, or judicial branch entity) who employs or retains a lobbyist, either as an employee or independent contractor. The Florida Legislature maintains a website of all registered principals and executive branch lobbyists that should be consulted by FEMAF board members, officers, and employees.

1. No Lobbyist Gifts

While § 112.3148, Florida Statutes, outlines gift requirements for all government employees, § 112.3215, Florida Statutes provides separate prohibitions for gifts from lobbyists to executive branch employees. This Code of Ethics shall include these prohibitions for FEMAF board members, officers, and employees. Pursuant to this Code of Ethics, FEMAF board members, officers, and employees shall not accept a gift from a lobbyist or a lobbyist's principal, **regardless of whether the item or service is being offered “for the purpose of lobbying.”** In other words, the prohibition in § 112.3215(6)(a) on employees accepting a lobbyist gift applies as defined in § 112.3215(1)(d) despite whether the gift is “for the purpose of lobbying.”

At all times, FEMAF board members, officers, and employees have a duty to inquire whether the thing of value accepted is from a lobbyist or principal of a lobbyist. No gift should ever be accepted unless and until the FEMAF board member, officer, or employee determines whether it is being given by a lobbyist or the principal of a lobbyist. FEMAF board members, its officers, and its employees should affirmatively consult the Florida Legislature's website listing of registered lobbyists and principals: <http://www.leg.state.fl.us>. FEMAF board members, officers, or employees who are unable to access or verify a party's status via the website should ask the offeror of the thing or event whether a principal or lobbyist is involved. If there is any doubt, employees should consult the FDEM Office of the General Counsel.

2. Non-Lobbyist Gifts

FEMAF board members, officers, and employees may not accept otherwise legal gifts from non-lobbyists if the gift could lead to impropriety or the appearance of impropriety. For example, employees may not accept gifts from: (1) current contract holders with the State of Florida; (2) parties soliciting, bidding on or expecting to bid on a contract with the State; and (3) parties who have pending matters awaiting decision by the State or who otherwise may be attempting to influence government matters. Any otherwise legal gift from a non-lobbyist over \$100 must be reported under § 112.3148(8), Florida Statutes. See Statutory Code for exceptions. In addition:

- Gifts from relatives are excluded from the statutory definition of “gift” unless the relative is a lobbyist or the principal of a lobbyist, in which case the general prohibition on gifts from lobbyists applies unless there is reimbursement in value. The term “relative” shall follow the definition in the statutory code. See § 112.312(21), Florida Statutes.
- No prohibited gift may be received indirectly. Thus, a gift to an employee's spouse or minor child could be considered a gift to the employee and may be prohibited if from a lobbyist, or otherwise may need to be reported, in line with the Code of Ethics and the Statutory Code. If there is any doubt, employees should consult the FDEM Office of the General Counsel, and if necessary, the Governor's Office of General Counsel.

3. No Solicitation

FEMAF board members, officers, and employees may not solicit any gift, regardless of its value, if the gift is for the personal benefit of himself or herself, his or her family, or another FEMAF board member, officer, or employee.

VI. CONSIDERATIONS FOR ACCEPTING GIFTS, SERVICES OR HONORARIA

Generally, any reimbursement is measured as the cost of the item to the person providing it. In the case of gifts, the cost is the actual value of the item, such as face value on admission ticket. While a membership fee required to use a golf course, tennis club, dining club, or other private facility is not part of the reimbursable cost, the per person additional cost above the ticket's face value for seating at a skybox or other exclusive seating area at a sporting or theatrical venue is part of the reimbursable cost and must be included. Employees should review the Statutory Code for more detailed rules on how to value and pay for gifts. See § 112.3148(7), Florida Statutes; and Rules 34-13.210 and 34-13.500, Florida Administrative Code.

On-site consumption of food and refreshment at receptions or other events, provided the employee's attendance at such event is an appropriate exercise of official duties, may be permissible unless the food and refreshments are paid for by a lobbyist or principal. Additionally, FEMAF board members, officers, or employees are not prohibited from attending an event open to all persons, or from accepting any item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly situated government employees or a rate available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

NOTE: There is no gift if the FEMAF board member, officer, or employee reimburses the other person for the cost of the item. If a FEMAF board member, officer, or employee is unsure whether something constitutes an impermissible gift, he or she can always pay for the item or service.

The Statutory Code provides helpful guidance for FEMAF board members, officers, or employees considering whether goods or services may or may not constitute gifts:

- A gift does not include salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with one's employment.
- A gift does not include contributions covering expenses for campaign-related personal services provided by non-compensated employees volunteering their time or any other contribution made by a political party or an affiliated party committee. See § 106, Florida Statutes.
- A gift does not include reimbursement or expenses covered for a FEMAF board member, officer, or employee, or for the spouse of a board member, officer, or employee, related to participation in an honorarium event. FEMAF board members, officers, or employees are prohibited from accepting money payment or direct payment of monetary value for

speaking appearances or for written works; however, reimbursement of expenses are permissible to the extent they cover expenses for the FEMAF board member, officer, or employee's participation in the event (e.g. an event sponsor may provide accommodations for a FEMAF board member, officer, or employee delivering remarks or participating on a panel at an event, but payment for a speech is not permitted).

- A gift does not include non-monetary awards, plaques, certificates, or other similar personalized items given in recognition of the FEMAF board member, officer, or employee's public, civic, charitable, or professional service.

The Statutory Code also provides helpful guidance for employees in conducting their actions:

- FEMAF board members, officers, and employees are prohibited from corruptly using or attempting to use their official positions to obtain a special position for themselves or others.
- FEMAF board members, officers, and employees are prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the unit in which he/she is serving or over which he/she exercises jurisdiction or control.
- FEMAF board members, officers, and employees are prohibited from directly or indirectly procuring contractual services for FEMAF from a business entity of which a relative is an officer, partner, director, or proprietor, or in which they, their spouse, or their children own more than a 5% interest.

VII. OTHER PROHIBITIONS AND RESTRICTIONS

1. Prohibition of Accepting Compensation Given to Influence a Vote

No FEMAF board member, officer, or employee (or the spouse or minor child of the same) shall accept any compensation, payment, or thing of value when the person knows, or, with reasonable care, should know that it was given to influence a vote or other action in which the FEMAF board member, officer, or employee was expected to participate in his or her official capacity. § 112.313(4), Fla. Stat.

2. Prohibition of Misuse of Position

No FEMAF board member, officer, or employee shall corruptly use or attempt to use his or her official position or any property or resource which may be 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. § 112.313(6), Fla. Stat.

3. Prohibition of Misuse of Privileged Information

No FEMAF board member, officer, or employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her own personal gain or benefit or for the personal gain or benefit of any other person or business entity. § 112.313(8), Fla. Stat.

4. Post-Employment Restrictions

A person who has been appointed to any FEMAF board or office or who is employed by FEMAF may not personally represent another person or entity for compensation before FEMAF for a period of two years after he or she vacates that office or employment position. § 112.313(9), Fla. Stat.

5. Prohibition on Employees Holding Office

No person may be both an employee of the FEMAF and a FEMAF board member at the same time. § 112.313(10), Fla. Stat.

6. Requirements to Abstain from Voting

A FEMAF board member or officer shall not vote in an official capacity upon any measure which would affect his or her special private gain or loss, or which he or she knows would affect the special gain or any principal by whom the board member or officer is retained. When abstaining, the FEMAF board member or officer, prior to the vote being taken, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the FEMAF board member or officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote. § 112.3143, Fla. Stat.

VIII. CONFLICTS OF INTEREST

A FEMAF board member, officer, or employee shall not participate in an official capacity in any matter that would inure to his or her special private gain or loss, or which the FEMAF board member, officer, or employee knows will inure to the special private gain or loss of any relative or business associate. FEMAF board members, officers, or employees should consult the FDEM Office of the General Counsel regarding appropriate screening procedures for meetings, events, or other government matters that could lead to such an appearance of impropriety. However, no procedure shall limit the FEMAF board member, officer, or employee's ability to fulfill the core functions of his or her job, and nothing in this Code of Ethics is meant to prohibit a board member, officer, or employee from addressing or making decisions relating to issues that may generally

affect an industry or business sector with which the board member, officer, or employee may have had a prior relationship.

IX. APPLICATIONS FOR EXEMPTIONS

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from these requirements in certain individual cases. In such instances, prior approval from the FDEM Office of the General Counsel is required in consultation with the Governor's Office of General Counsel as necessary.

X. VIOLATIONS

Failure of a FEMAF board member, officer, or employee to observe the Code of Ethics may result in the removal of that person from their position. Further, failure of the FEMAF to observe the Code of Ethics may result in FDEM terminating its Agreement with FEMAF.

All ethics violations should be promptly reported to the FDEM Office of the General Counsel.

XI. POLICY ADMINISTRATION

The FDEM Office of Human Resources is responsible for notifying FEMAF board members, officers, and employees appointed to designated positions of the requirement to file financial and gift disclosures. Contact: (850) 815-4177.

The FDEM Office of the General Counsel is responsible for providing clarification to employees on the specific ethics policies outlined herein. Contact: (850) 815-4178.

Questions about the ethics laws may be addressed to the Commission on Ethics. Contact: (850) 488-7864.

Questions about the public records and/or sunshine laws may be addressed to the Governor's Office of Open Government. Contact: (850) 717-9248; desantis.opengov@eog.myflorida.com