

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

ETHICS POLICY

Effective Date: August 26, 2011

Last Amended June 26, 2015

I. Declaration of Policy. —

It is the purpose of this Policy to incorporate the provisions of Chapter 112, Part III, Florida Statutes (“F.S.”) and any additional requirements adopted by the Governing Board of SFRTA pursuant to s. 112.326, F.S., and apply them to the officers and employees of SFRTA. Any amendments to the provisions of Chapter 112, Part III, F.S. adopted after this Policy becomes effective shall be incorporated into this Policy as if formally adopted by the Governing Board of SFRTA.

II. Definitions.—As used in this policy, unless the context otherwise requires:

(1) “Advisory body” means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of SFRTA or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) “Agency” means SFRTA.

(3) “Breach of the public trust” means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or 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 or of this part.

(4) “Business associate” means any person or entity engaged in or carrying on a business enterprise with an officer, or 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 coowner of property.

(5) “Business entity” means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(6) “Commission” means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(7) “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.

(8) “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 servant which is inconsistent with the proper performance of his or her public duties.

(9) “Disclosure period” means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

(10) “Facts materially related to the complaint at issue” means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

(11) “Gift” [See Section VII for Definition and Exceptions]

(12) “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 person required to file under this part.

(13) “Liability” means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

(14) “Lobbying” shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any SFRTA board member, any SFRTA advisory board member, or any SFRTA employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the governing board, advisory board or employee, as applicable.

(15) “Lobbyist” means any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal or most significant responsibilities to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include any employee, contract employee, or independent contractor

of a governmental agency lobbying on behalf of that agency, any elected local official when the official is lobbying on behalf of the governmental agency which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

(16) "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 act, indirect ownership does not include ownership by a spouse or minor child.

(17) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency 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 official's agency 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.

(18) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(19) "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.

(20) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(21) "Purchasing agent" means an officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for SFRTA , as opposed to the authority to request or requisition a contract or purchase by another person.

(22) "Relative," unless otherwise specified in this part, 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.

(23) “Represent” or “representation” means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(24) “SFRTA Person” means any SFRTA board member, employee, member of an advisory committee, or any other persons or business entities on their behalf.

(25) “Source” means the name, address, and description of the principal business activity of a person or business entity.

(26) “Value of real property” means the most recently assessed value in lieu of a more current appraisal.

(27) As provided for in Section 1.01(8), Florida Statutes, the words “public body,” “body politic,” or “political subdivision” include all districts in this State. As a “body politic and corporate, an agency of the State” pursuant to Section 343.53(1), Florida Statutes, SFRTA is a “political subdivision” under Florida law and is, therefore, subject to provisions of Chapter 112 that are applicable to officers and employees of public subdivisions.

III. Standards of conduct for SFRTA officers, employees, and attorneys. —

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term “officer” includes any person appointed to and by SFRTA’s Governing Board, and any person serving on an SFRTA advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No officer, employee, or attorney, as defined below, shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the officer, employee, or attorney would be influenced thereby.

(3) **DOING BUSINESS WITH SFRTA.**—No employee acting in his or her official capacity as a purchasing agent, or officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for SFRTA from any business entity of which the officer or employee or the officer’s or employee’s spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer’s or employee’s spouse or child, or any combination of them, has a material interest. Nor shall an officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to SFRTA. The foregoing shall not apply to

district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

(a) Appointment to public office; or

(b) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No officer, employee, or attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such officer, employee, or attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or attorney was expected to participate in his or her official capacity.

(5) **SALARY AND EXPENSES.**—No officer shall be prohibited from voting on a matter affecting his or her expenses as a officer, as provided by law. No attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the Board's attorney, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No officer, employee, or attorney 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. This section shall not be construed to conflict with s. 104.31, Florida Statutes.

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No officer or employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with SFRTA; nor shall an officer or employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

(b) This subsection shall not prohibit an officer or employee from practicing in a particular profession or occupation when such practice by persons holding office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—A current or former officer, employee, attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) EMPLOYEES HOLDING OFFICE.—

No employee of SFRTA shall hold office as a member of the Governing Board, while, at the same time, continuing as an employee of such employer.

(10) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the Board, upon a full disclosure of the transaction or relationship to the Board prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of the Board. In instances in which appointment to the advisory board is made by an individual Board member, waiver may be effected, after public hearing, by a determination by the appointing Board member and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) The business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state.

(e) The business entity involved is the only source of supply and there is full disclosure by the officer or employee of his or her interest in the business entity to SFRTA prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and SFRTA does not exceed \$500 per calendar year.

(g) The fact that an officer is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of SFRTA, provided it appears in the records of SFRTA that the Governing Board has determined that such officer has not favored such bank over other qualified banks.

(h) The officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with SFRTA.

(i) The officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation SFRTA and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and

2. The officer or employee makes full disclosure of the relationship to the Executive Director or Governing Board prior to the transaction.

(11) REGULATING FORMER OFFICERS OR EMPLOYEES.—

(a) An officer or employee of SFRTA may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining.

(b) If JPA funds received from the Florida Department of Transportation are used in a project, then per the JPA, the following additional provisions shall apply:

Prohibited Interests: SFRTA shall not enter into a contract or arrangement in connection with the project or any property included or planned to be included in the project, with any officer, director or employee of SFRTA, or any business entity of which the officer, director or employee or the officer's, director's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer, director or employee or the officer's, director's or employee's spouse or child, or any combination of them, has a material interest.

"Material Interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity.

SFRTA shall not enter into any contract or arrangement in connection with the project or any property included or planned to be included in the project, with any person or entity who was represented before SFRTA by any person who at any time during the immediately preceding two years was an officer, director or employee of SFRTA.

The provisions of this subsection shall not be applicable to any agreement between SFRTA and its fiscal depositories, any agreement for utility services the rates for which are fixed or controlled by the government, or any agreement between SFRTA and an agency of state government.

(12) ATTORNEYS.—

(a) For the purposes of this section, “attorney” means any individual who routinely serves as the attorney for SFRTA. The term shall not include any person who renders legal services to SFRTA pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a SFRTA to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with an attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to SFRTA, so long as the attorney is not a full-time employee or member of the Governing Board. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as an attorney.

(c) No attorney or law firm in which the attorney is a member, partner, or employee shall represent a private individual or entity before SFRTA. An attorney whose contract with SFRTA does not include provisions that authorize or mandate the use of the law firm of the attorney to complete legal services for SFRTA shall not recommend or otherwise refer legal work to that attorney’s law firm to be completed for SFRTA.

IV. Restriction on employment of relatives.—

(1) In this section, unless the context otherwise requires:

(a) “Collegial body” means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(b) “Public official” means an officer or an employee of SFRTA in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in SFRTA, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

(c) “Relative,” for purposes of this section only, with respect to a public official, means an individual who is related to the public official 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, or half sister. Relative shall also include domestic partners, and dependents named on the public official’s latest federal income tax return, or one’s household member.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in SFRTA in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in SFRTA if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over SFRTA, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards.

(b) Mere approval of budgets shall not be sufficient to constitute “jurisdiction or control” for the purposes of this section.

(3) SFRTA may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), Florida Statutes, of individuals whose employment would be otherwise prohibited by this section.

V. Voting conflicts.—

(1) As used in this section:

(a) “Officer” includes any person appointed to the Governing Board, including any person appointed to serve on a committee or advisory board formed by the Governing Board.

(b) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2)(a) No officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the officer. Such officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting and such officer shall not participate in any Board or Committee discussion of the matter with respect to which he or she has declared the conflict. Furthermore, that officer shall not discuss the matter with SFRTA staff or consultants. In addition, within 15 days after the vote occurs, the officer shall 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. The Board reserves the right to reconsider an item if the officer fails to disclose the conflict prior to the Board taking up the item.

(b) Mere attendance at a public meeting where other attendees are discussing or otherwise considering the matter shall not be viewed, of itself, as participation in the matter.

(3) No officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum. The prohibitions contained in Section (2)(a) above, shall apply here, also.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then 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 Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum. The Board reserves the right to reconsider an item in which it subsequently learns created a conflict that was not disclosed prior to the Board's consideration of the item.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

VI. Full and public disclosure of financial interests.—

(1) SFRTA officers and employees subject to the requirements of s. 112.3145, Florida Statutes, shall comply with the disclosure requirements of the statute.

(2) For the purposes of filing a statement of financial interests, a "local officer" means:

(a) Members of the Governing Board of SFRTA; and

(b) SFRTA's chief administrative employee and all employees having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE (\$20,000), on behalf of SFRTA.

Extensions for filing disclosure may be granted pursuant to Section 112.3151, Florida Statutes.

VII. Reporting and prohibited receipt of gifts by SFRTA Persons.—

(1) GIFT REPORTING BY ALL/GIFT LIMIT = \$100.—

SFRTA Persons are prohibited from soliciting any Gift from a political committee or committee of continuous existence, as defined in s 106.011,F.S. or from a Lobbyist who lobbies the SFRTA, or the partner, firm, employer, or principal of such Lobbyist, where such Gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

No SFRTA Person shall knowingly accept directly or indirectly, any Gift with a value greater than \$100 from any person or business entity that the recipient knows is a Lobbyist or any principal or employer of a Lobbyist.

No person or entity shall offer, give or agree to give an SFRTA Person a Gift, and no SFRTA Person shall accept or agree to accept a Gift from a person or entity because of: an official public action taken or to be taken or which could be taken; a legal duty performed or to be performed or which could be performed; or a legal duty violated or to be violated; or which could be violated by any SFRTA Person.

Any Gift in excess of \$100 received from a non-Lobbyist must be reported. If the SFRTA Person is required to report Gifts pursuant to s. 112.3148, F.S. they shall do so AND shall file a copy of the report with the SFRTA Board Secretary. Lobbyists are required to report Gifts provided to SFRTA Persons in excess of \$25.

All other SFRTA Persons not subject to s. 112.3148, F.S. shall file an annual Gift disclosure form with the SFRTA Board Secretary. General Counsel shall be responsible for producing a disclosure form for use by those persons not obligated to report under s. 112.3148, F.S. that is similar to CE Form 9 used by the Florida Commission on Ethics

(2) DEFINITION OF GIFT.—

“Gift” shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single Gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the Gift. In determining the value of the Gift, the recipient of the Gift may consult, among other sources, s. 112.3148, F.S. and the Florida Administrative Code, as amended.

The term “consideration” does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

(3) GIFT EXCEPTIONS.—

“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, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- (c) An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.
- (d) An award, plaque, certificate, or similar personalized item given in recognition of the donee’s public, civic, charitable, or professional service.
- (e) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- (f) The 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.
- (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) Gifts, regardless of value, may be accepted from relatives.
- (j) Gifts (including, but not limited to, birthday and/or anniversary gifts and gifts or hospitality) received from personal friends in the ordinary course of friendship, regardless of value, may be accepted, but, if any such personal friend is: (i) a Lobbyist or other person subject to the Cone of Silence provisions of the SFRTA Procurement Policy; (ii) the partner, firm, member, employer, or employee of a Lobbyist; (iii) a person having a special pecuniary interest (either individually or through a business entity) in a matter pending before SFRTA; or (iv) a person who (either either individually or through a business entity) is seeking such business with SFRTA, then such Gift may not have an actual value in excess of \$100.00.

(k) On-site consumption of food and refreshment at (i) official SFRTA meetings or other official SFRTA functions whether held on or off SFRTA office premises; or (ii) receptions related to the business of SFRTA, provided the Board member or employee's attendance at such an event is an appropriate exercise of the Board member's or employee's official duties and meals are made available to all persons in attendance on an equal basis, unless the food and refreshments at such an event are paid for by a Lobbyist or any other party subject to the Cone of Silence provisions of the SFRTA Procurement Policy.

(l) Admission to philanthropic events, provided directly from the event's sponsor, regardless of value, to which a Board member or employee is invited in his or her official representative capacity, unless the acceptance of the admission (i) could reasonably be expected to influence him or her in the performance of duties, or (ii) was intended as a reward for any official action on his or her part.

(m) Plaques, honoraria or other commemorative tokens of recognition for professional or civic achievement.

(n) Anything of value, regardless of its actual value, when the item is offered to SFRTA, is accepted on behalf of SFRTA, and is to remain the property of SFRTA.

(o) Materials such as books, reports, periodicals, or pamphlets which are solely informational or advertising.

(4) GENERAL PROVISIONS. —

These limited exceptions do not, and are not intended to, permit the acceptance of any Gift that is otherwise prohibited by Ch. 112, Part III, F.S.

Any Gift that cannot be received directly may not be received indirectly. A Gift to an SFRTA Person's relative is treated as a Gift to the SFRTA Person.

There is no Gift if the SFRTA Person reimburses the other individual for the cost of the item, measured generally as the cost of the item to the person providing it.

The above restrictions shall not apply to campaign contributions otherwise governed by law.

(5) LOBBYIST GIFT REPORTING. —

A person who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics and the SFRTA Board Secretary. The report must contain a description

of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

VIII. Gifts from SFRTA.—

(1) SFRTA may give, either directly or indirectly, a gift having a value in excess of \$100 to any SFRTA Person if a public purpose can be shown for the gift.

(2) An SFRTA Person may accept a gift having a value in excess of \$100 from SFRTA if a public purpose can be shown for the gift.

(3) No later than March 1 of each year, SFRTA shall provide the SFRTA Person with a statement of each gift having a value in excess of \$100 given to such SFRTA Person. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given SFRTA.

(4) No later than July 1 of each year, each SFRTA Person shall file a statement listing each gift having a value in excess of \$100 received by the SFRTA Person, either directly or indirectly, from SFRTA. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The SFRTA Person shall attach to the statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the SFRTA Person. The SFRTA Person may explain any differences between the report of the SFRTA Person and the attached reports. The annual report filed by an SFRTA Person shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution, s. 112.3145, or the SFRTA Governing Board, as applicable. The annual report filed by an SFRTA Person shall be filed with the Commission on Ethics (if that SFRTA Person is required to file pursuant to the Code) or with the SFRTA Board Secretary. The report filed by an SFRTA Person who left office or employment during the calendar year covered by the report shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

IX. Solicitation and disclosure of honoraria.—

SFRTA hereby adopted the provision of s.112.3149, Florida Statutes, governing the solicitation and disclosure of honoraria as part of this Ethics Policy applicable to reporting individuals.

X. Lobbying.—

(1) VIOLATIONS. —

False Statements: A Lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation when lobbying SFRTA Board members, advisory committee members, or employees.

In addition to any other penalties which may be adopted by the Board, any Lobbyist who commits any of the violations outlined in this section shall be suspended from lobbying SFRTA pursuant to the suspension procedure outlined in Chapter 5 of the SFRTA Procurement Policy.

(2) RESCISSION OR VOIDING OF ACTION. —

Upon a finding of the SFRTA Board that a violation of SFRTA's Lobbyist requirements as provided herein (pursuant to the above referenced procedure in the SFRTA Procurement Policy), resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by SFRTA, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the SFRTA Board.

XI. Penalties.—

Violation of any provision of this Policy, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this Policy, are violations of the provisions of State law from which these Policy provisions are derived and, in addition to any criminal penalty or other civil penalty involved, shall, under applicable constitutional and statutory procedures, constitute grounds for, and may be punished as provided for in s. 112.317, Florida Statutes.

XII. Amendments to Ethics Policy. —

This Policy may be amended, waived or repealed by resolution approved by a majority vote of the entire Board at a regular meeting after consideration of the matter at a prior regularly scheduled Board meeting (except for the initial adoption which can occur after consideration at one (1) regularly scheduled Board meeting), unless approved by a supermajority of the Board membership at one (1) meeting. A supermajority shall be defined as two-thirds (2/3) of the members of the entire Board.