

CF OPERATING PROCEDURE
NO. 60-5, Chapter 11

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, March 22, 2018

Human Resources

EMPLOYEE RELATIONSHIPS WITH REGULATED ENTITIES

11-1. Purpose. This operating procedure establishes uniform procedures to ensure department compliance with rules and laws that require an employee to report relationships between that employee and individuals, partnerships, corporations, and other entities subject to regulation by, or doing business with, the department.

11-2. Scope. This operating procedure applies to all Career Service, Selected Exempt and Senior Management Services, and Other Personal Services (OPS) employees in the Department of Children and Families.

11-3. References.

- a. Chapter 112, Part III, Florida Statutes (F.S.).
- b. Chapter 60L-36, Florida Administrative Code (F.A.C.).

11-4. Explanation of Terms.

a. Application. A verbal or written communication through which an employee holds himself as available for employment or for a contractual relationship for remuneration.

b. Conflicting Financial Interest. Personal participation by an employee in a department matter that will affect the financial interests of the employee; the employee's spouse or minor child; the employee's general partner; an organization in which the employee serves an officer, director, trustee, general partner, or employee; or a person with whom the employee is negotiating for or has an arrangement concerning prospective employment.

c. Entity. Any individual, partnership, association, corporation (for profit or not for profit), utility, or other organization, whether public or private, doing business with or subject to regulation by the department.

d. Gift. For purposes of this procedure, gift means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and for which no payment is made.

(1) A "gift" can include real property or the use thereof; tangible or intangible personal property or the use thereof; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or 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.

This operating procedure supersedes CFOP 60-5, Chapter 11, dated February 15, 1999.

OPR: OSGC

DISTRIBUTION: A

(2) A “gift” does not include:

(a) Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee’s employment;

(b) An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse;

(c) An award, plaque, certificate, or similar personalized item given in recognition of the donee’s public, civic, charitable or professional service;

(d) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;

(e) The use of a public facility or public property, made available by a governmental agency, for a public purpose;

(f) Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business; or,

(g) 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.

11-5. Policy.

a. No employee of the Department of Children and Families acting in his or her official capacity shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the department from any business entity of which the employee, his or her spouse or child is an officer, partner, director, or proprietor or in which the employee or his spouse or child, or any combination of them, has a material interest of more than five percent. Nor shall an employee of the department, acting in a private capacity, rent, lease, or sell any realty, goods, or services to this department.

b. No employee of the department or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when the employee knows, or with the exercise of reasonable care, should know that it was given to influence any action in which the employee was expected to participate in his or her official capacity.

c. Except as exempted by subsection 112.313(12), Part III, F.S., no employee of this department 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, the department.

d. No employee of this department shall have or hold any employment or contractual relationship that will create a conflict between his 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.

e. No employee of the department shall participate in any department matter that will affect the financial interests of a person or entity with whom he or she is seeking employment. An employee is considered to be seeking employment if:

(1) The employee is engaged in actual negotiations for employment with the regulated entity;

(2) The potential employer has contacted the employee about possible employment and the employee makes a response other than rejection; or,

(3) The employee has contacted a prospective employer about possible employment.

11-6. Employee Responsibilities.

a. Each employee who exercises regulatory responsibility and who makes an employment application with an entity, shall complete form CF 1625 (available in DCF Forms) and submit it through the immediate supervisor to the appropriate Assistant Secretary, Regional Managing Director, or Chief Hospital Administrator within five days of submitting the application.

b. Each employee who exercises regulatory responsibility and who receives an offer of employment or for a contractual relationship for remuneration from an entity shall complete form CF 1625 (available in DCF Forms) and submit it through the immediate supervisor to the appropriate Assistant Secretary, Regional Managing Director, or Chief Hospital Administrator within five workdays of receipt of the offer.

c. Any employee exercising regulatory authority who has or who obtains financial interest in an entity shall report this through the immediate supervisor to the appropriate Assistant Secretary, Regional Managing Director, or Chief Hospital Administrator within five workdays of the acquisition of such interest.

d. In accordance with subsection 112.313(2), F.S., no employee who exercises regulatory responsibility shall solicit, accept, or agree to accept **any** gift from an entity or potential entity.

11-7. Supervisor/Management Responsibilities.

a. Each position in the Selected Exempt, Senior Management, and Career Service must be reviewed to identify those with regulatory responsibilities.

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

(1) Positions with regulatory responsibilities assigned to the exempt services must have the following included on the front of the position descriptions: The incumbent in this position is considered to have regulatory responsibilities and is subject to the provisions of Rule 60L-36.003, F.A.C., and Chapter 112, Part III, F.S.

(2) Positions assigned to the Career Service must have the following included on the front of the position descriptions: The incumbent of this position is considered to have regulatory responsibilities and is subject to the provisions of Chapter 60L-36, F.A.C.

c. Prior to filling an OPS position, the supervisor shall review the duties and responsibilities to be performed and determine whether the position will have regulatory responsibilities. These responsibilities will be footnoted on form CF 1624 (available in DCF Forms) and a copy will be given to the employee.

d. The incumbent of each position having regulatory responsibility shall be furnished and required to sign form CF 1624 (available in DCF Forms). By signing this form, the employee indicates that the employee has been made aware of the regulatory responsibilities of the position; and that the employee understands the obligations imposed to report any application for or offer of employment or contractual relationship for remuneration with an entity; the obligation imposed to report the acquisition of any financial interest in an entity; and the requirements related to gifts. The signed form will be

submitted to the Human Resources Service Center (HRSC) and included in the employee's official personnel file.

e. Any employee with regulatory responsibilities who makes application for employment with an entity, receives an offer of employment or contractual relationship for remuneration from an entity, receives a gift from an entity, or obtains a financial interest in an entity shall be removed from any further regulatory responsibilities related to that entity until the matter is resolved to the satisfaction of the department.

f. Page 2 of form CF 1625 (available in DCF Forms) provides for a legal opinion from the region, Mental Health Treatment Facility, or headquarters general counsel to the Secretary as to the appropriateness of the employee's relationship with a regulated entity, and for instructions from the Secretary to the Human Resources Director based on that legal opinion.

11-8. Failure to Report. Failure to report pursuant to the requirements listed in paragraph 11-6 above may subject the employee to disciplinary action as outlined in CFOP 60-55, Chapter 1 (Standards of Conduct and Standards for Disciplinary Action for Department Employees).

11-9. Records and Reports.

a. After review of any report filed pursuant to this operating procedure and action that may be appropriate or necessary has been taken, the report will be submitted to the Human Resources Director.

b. Completed reports will be retained by the Human Resources Director for two years or for as long as the employee continues to hold a position which has regulatory responsibilities over the entity named in the report, whichever is later.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

JOHN JACKSON
Acting General Counsel

SUMMARY OF REVISED, ADDED OR DELETED MATERIAL

This revision updates Department policy including, but not limited to, the following:

1. Deletes abolished rules and updates reference to Chapter 60L-36, Florida Administrative Code.
2. Updates references to department managers who have delegated authority.
3. Updates references to Human Resources Service Center (HRSC).