Employee Ethics Code

Revised 3/27/2024

PURPOSE:

Florida Sports Foundation, Inc. ("FSF") employees are expected to maintain the highest ethical and legal standards in the conduct of FSF's business affairs. The intent of this *Employee Ethics Code* ("Code") is to convey ethical standards and expectations that each employee will conduct FSF business with integrity, comply with all applicable laws and regulations, and avoid any circumstances that would cast doubt on an FSF employee's ability to act with total objectivity and in FSF's best interests.

This Employee Ethics Code pertains specifically to FSF employees, however, references are also made to the ethics requirements of FSF Board Members, which all employees should be mindful of while performing their duties on behalf of FSF. This Employee Ethics Code is modeled after provisions of the Florida Code of Ethics for Public Officers and Employees within Chapter 112, Florida Statutes. And this Code is adopted in accordance with FSF's *Funding and Program Agreement* with the Florida Department of Commerce ("Commerce") Number SB-24-004 (S012) as it may be amended or supplemented from time to time.

ETHICS CODE:

A. Avoiding the Appearance of Impropriety

Employees of FSF must only use the powers and resources of FSF to further FSF and the public's interest and not for their own or another's financial or personal benefit other than salaried compensation and employer-provided benefits.

Employees are expected to safeguard their ability to make objective, fair and impartial decisions, and therefore may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of theirs, or to reward a past decision. Employees should avoid any conduct (whether in the context of business, financial or social relationships) that might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

B. Gifts Given to FSF Employees <u>or Board Members</u>

1. An employee **<u>or Board member</u>** of FSF may not accept or receive food, beverages, lodging, entertainment, or gifts from:

- A tourist or economic development entity that receives revenue from a tax imposed pursuant to sections 125.0104 (tourist development tax), 125.0108 (tourist impact tax), or 212.0305 (convention development tax); or from
- Any person, vendor, or other entity, doing business with FSF or seeking to do business with FSF unless such food, beverage, lodging, entertainment, or gift is available to similarly situated members of the general public.

2. FSF may not expend public funds for any food, beverages, lodging, entertainment, or gifts to FSF employees, **<u>Board members</u>**, or employees of a tourist or economic development entity that receives revenue from a tax imposed pursuant to sections 125.0104 (tourist development tax), 125.0108 (tourist impact tax), or 212.0305 (convention development tax), Florida Statutes, unless authorized pursuant to section 112.061, Florida Statutes.

3. No employee of FSF, including an officer or agent, the president, or the chief executive officer, may receive public compensation for employment that exceeds the salary and benefits authorized to be paid to the Governor.

4. Any public payments of performance bonuses or severance pay to employees are prohibited unless specifically authorized by law. Should FSF use public payments for performance bonuses or severance pay the legal authorization must be provided to the Commerce Agreement Manager via email prior to any such payment.

5. FSF must comply with following per diem and travel expense provisions, in keeping with section 112.061, Florida Statutes:

- **<u>Board members</u>** and employees are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061, F.S. Such expenses must be paid out of funds of FSF; and
- FSF shall ensure that travel and expense reimbursements made to vendors are in accordance with a policy established by FSF. FSF's travel and expense policy must ensure that vendor reimbursements are made at the lowest possible cost necessary to ensure a reasonable level of service, comfort and security.

6. Gifts (regardless of value) received from personal friends in the ordinary course of friendship (including but not limited to birthday and/or anniversary gifts and gifts of hospitality), can be accepted by an employee, provided that any such personal friend is <u>not</u>:

- a person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before FSF;

- a person who (either individually or through a corporation or organization) is doing business with (providing goods or services to) FSF under contract or agreement; or
- a person who (either individually or through a corporation or organization) is seeking to do business with FSF.

7. Gifts (regardless of value) received that help defray the cost of attendance at events or receptions may be accepted by an employee, provided the employee's attendance at such event or reception is an appropriate exercise of his or her official duties and as long as the gift is <u>not</u> provided by a tourist or economic development entity that receives revenue from a tax imposed pursuant to sections 125.0104 (tourist development tax), 125.0108 (tourist impact tax), or 212.0305 (convention development tax) or a person, vendor, or other entity doing business with or seeking to do business with FSF, unless such food, beverage, lodging, entertainment, or gift is available to similarly situated members of the general public or appropriate payment is made.

8. Gifts associated with an FSF sponsored event or program, provided that the employee's attendance at such event or program is an appropriate exercise of his or her official duties.

9. Gifts (regardless of value) made to FSF or a Division thereof may be accepted by an employee on behalf of FSF, provided the President & CEO or their designee has approved such acceptance.

What is a gift?

"Gift" is defined in section 112.312(12), Florida Statutes, to mean anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and <u>for which equal or greater consideration is not given within 90 days</u>, 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 an indebtedness.
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.

14. Any other similar service or thing having an attributable value not already provided for in this section.

What is NOT a gift?

A "gift" does **NOT** include:

1. 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.
2. Except as provided in s. 112.31485, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.
3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
8. 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.

NOTE: **There is no gift received if the employee or Board member pays in advance or reimburses the person or entity providing the gift for the cost of the item**. Generally, this is measured as the cost of the item to the person providing it or the fair market value. 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 ticket additional cost above the 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. Section 112.3148(7), of the Florida Statutes, and Rules 34-13.210 and 34.13.500, of the Florida Administrative Code, provide direction on how to value gifts and should be consulted when making payment for an event or item that otherwise would be prohibited absent payment of consideration. If in doubt about the appropriate amount of payment or consideration to provide, please consult with FSF's Chief Ethics Officer.

C. Other Ethical Requirements

As a matter of policy, all **employees** of FSF are subject to sections 112.313(1)-(8), and (10); and 112.3135, of the Florida Statutes (portions of Florida's Code of Ethics) and are considered to be public employees and FSF is considered to be their agency.

The relevant provisions of Florida's Code of Ethics that employees of FSF are subject to include the following:

- Employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their official action or judgment would be influenced by such gift.

- Employees and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence their official action.

- Employees are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.

- Employees are prohibited from disclosing or using information not available to the public and obtained by reason of their FSF position for the personal benefit of themselves or others.

- Employees acting in their official capacity are prohibited from directly or indirectly purchasing, renting, or leasing any realty, goods, or procuring contractual services for FSF from a business entity in which they, their spouse, or child, or any combination of them, has a material interest (owns more than a 5% interest) or serves as an officer or director. Also, employees acting in a private capacity are prohibited from renting, leasing, or selling any realty, goods, or services to FSF.

- Employees are prohibited from holding any employment or contract with any business entity or agency doing business with FSF. Employees are also prohibited from holding any employment or having a contractual relationship which will pose a conflict between their private interests and employment duties, or which will impede the full and faithful discharge of their employment duties.

- An employee who participates in the decision-making process involving a procurement, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding FSF's contract for services, is prohibited from being employed by a person holding such a contract with FSF.

- 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.

- No employee may serve as a member of the FSF Board of Directors while employed by FSF.

For further discussion of these provisions refer to Chapter 112, Part III, Florida Statutes.

D. Conflicts of Interest

FSF employees should avoid any situation that involves or may involve a conflict between their personal interests and the best interests of FSF. It is expected that all FSF employees will use good judgment, high ethical standards and honesty in all business dealings. A conflict of interest is any circumstance that could cast doubt on your ability to act objectively regarding FSF's interests, or any circumstance that benefits the employee to the detriment of FSF. This includes potential conflicts arising from activities of a spouse, partner, immediate family members or any other person with whom an FSF employee may have a personal relationship.

Any actions or interests that create even the appearance of conflict or impropriety fall within this Code and must be avoided.

In addition to the statutory code of ethics, examples of activities that FSF considers to be a potential conflict with FSF's best interests and that are specifically prohibited include, but are not limited to:

1. Ownership or any significant interest by an FSF employee or employee's immediate family (spouse, parent, child, or sibling) in any enterprise or organization that does or seeks to do business with FSF.

2. Acting in any capacity (such as employee, director, officer, partner, consultant, distributor, or agent) in any enterprise or organization that does or seeks to do business with FSF.

3. Using or attempting to use your position or any property or resource of FSF to develop outside business, employment or other personal interests.

4. Acting as a broker, finder, go-between or otherwise for the benefit of a third party in transactions involving or potentially involving FSF or its interests.

5. Use of FSF's name to lend weight or prestige to an employee's personal endorsement of a candidate or political party or other political cause or to the endorsement of products or services of another enterprise or organization. This Policy shall not prohibit an FSF employee from participating in approved projects with other organizations or enterprises through assigned FSF employee participation.

6. Any other arrangements or circumstances, including family or other personal relationships, which might in any way dissuade the employee from acting in the best interests of FSF.

E. Political Endorsements and Lobbying

FSF employees are prohibited from using their position with FSF, FSF's name, or any property or resource of FSF to:

(1) Endorse any candidate for any elected public office; or
(2) Make contributions to the campaign of any such candidate.

Please also keep in mind that FSF is prohibited from using state funds to lobby the Florida legislature, the judicial branch, or any state agency. This does not prohibit FSF from using state funds to pay for salaries, travel expenses, and per diem for full-time employees of FSF who may be required by Florida law to register as lobbyists to represent FSF before the state legislative or executive branches.

F. Notification

Prior to engaging in an activity subject to this Policy, any conflict or potential conflict of interest must be immediately and fully disclosed to and approved by FSF through notification to, and consent of, the FSF associate's Senior Vice President who will discuss with Human Resources and the Chief Operating Officer.

G. Dual Employment

No employee may have any on-going dual employment or dual compensation without prior approval from FSF's President & CEO and Chief Ethics Officer.

H. Application for Exemptions

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from these requirements established as a matter of policy in certain individual cases. In those instances, prior approval of FSF's President & CEO with consultation of FSF's Chief Ethics Officer is required.

I. Training

All employees are required to attend at least once annually ethics, public records, and sunshine law training provided by FSF.

J. Compliance

Any violation of this Policy will subject the FSF employee to disciplinary action up to and including immediate termination. Any FSF employee having knowledge of any violation of this Policy must promptly report such violation (See section K). Failure to report violations of this Policy will likewise subject an employee to discipline and even termination. Retaliation will not be tolerated against any FSF employee or third party who claims or reports a violation.

K. Reporting

If you have any questions or would like to report a potential violation of this Code, please consult with the appropriate FSF Vice President who upon consultation with the FSF Chief Ethics Officer will advise on the matter in question.

Any employee who knowingly makes a false claim or report is subject to disciplinary action up to and including termination.

Employee Ethics Code Acknowledgment Form

The Florida Sports Foundation *Employee Ethics Code* ("Code") provides important information about this organization and my ethical responsibilities as an employee of the organization, and I understand that as a condition of my employment I am to comply with the Code as outlined.

Since the information described in the Code is subject to change, I acknowledge that revisions may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate any or all of this Code as written. Only the FSF President & CEO or his or her designee has the ability to authorize any revisions to this Code.

By signing below, I acknowledge that I have received a copy of the Code, and I understand it is my responsibility to read and comply with the Code and any revisions made to it. Should questions regarding appropriate behavior under this Code arise during the course of my employment, I will seek guidance from the appropriate FSF Vice President who upon consultation with the FSF Chief Ethics Officer will advise on how to handle the matter in question.

______________________________ ____________________
Employee Signature Date

____
Employee Printed Name