

persons making public comment unless the question or comment is directed through the Chair or made with the permission of the Chair.

## **CHAPTER 5: ETHICS POLICIES AND PROCEDURES**

### **PART 1 GENERALLY**

#### **RULE 5.101 INTENT AND PURPOSE.**

This Chapter 5 may be referred to as the “Columbia County Board of County Commissioner’s Ethics Policies and Procedures” or “Ethics Policy”. This policy is hereby established as the proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that County Commissioners not use public office to obtain private benefit; that County Commissioners avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government, its County Commissioners, and all those employed by or through the County government.

#### **RULE 5.102 ACKNOWLEDGMENT OF RULES.**

All County Commissioners, upon taking their oath of office to their current term and all current County Commissioners within ten (10) days of the passage hereof, shall submit a signed statement to the County Attorney acknowledging that they have received and read Chapter 5 herein, that they understand it, and that they are bound by it. All candidates for County Commission, upon qualifying to run for that office, shall submit a signed statement to the County Attorney acknowledging that they have read Chapter 5 of these Rules and Policies, that they understand it, and that they shall be bound by it upon election to office. All County Employees shall be notified upon adoption of these Rules or upon their employment with the County of this Ethics Policy and shall be bound by it.

#### **RULE 5.103 INTERPRETATION, ADVISORY OPINIONS.**

When in doubt as to the applicability and interpretation of the Ethics Policy or any part hereof, any County Commissioner, County Officer, or County Employee may request an advisory opinion from the County Attorney. The County Attorney shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner. Any County Commissioner who dissents from an opinion of the County Attorney issued pursuant to this rule may request a review by the Board of County Commissioners of the advisory opinion in question within thirty (30) days of its issuance. If no request for review is made then the opinion shall become final. A majority vote of the Board of County Commissioners taken at a public meeting after discussion shall be required to override the opinion of the County Attorney.

#### **RULE 5.104 DEFINITIONS.**

- A. “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 each agency it serves 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.
- B. “Agency” means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

- C. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.
- D. "Business entity" means any corporation, company, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- E. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.
- F. "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.
- G. "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.
- H. "County Officer" shall include any person elected or appointed to hold office in the County government, including County Commissioners, the County Manager, an Assistant County Manager, the County Attorney, the County Engineer, and any person serving on an advisory body.
- I. "County Commissioner" shall include any member of the Board of County Commissioners.
- J. "County Employee" shall include any person employed by the Board of County Commissioners or the County Manager.
- K. "Gift," for purposes of ethics in government and financial disclosure required by law, 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 within 90 days, including:
  - a. Real property
  - b. The use of real property
  - c. Tangible or intangible personal property.
  - d. The use of tangible or intangible personal property. For the purposes of this part "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.
  - e. 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.
  - f. Forgiveness of indebtedness.
  - g. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
  - h. Food or beverage.
  - i. Membership dues.
  - j. Entrance fees, admission fees, or tickets to events, performances, or facilities.
  - k. Plants, flowers, or floral arrangements.
  - l. Services provided by persons pursuant to a professional license or certificate.
  - m. Other personal services for which a fee is normally charged by the person providing the services.
  - n. Any other similar service or thing having an attributable value not already provided for in this section.
  - o. For the purposes of this part 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.
- L. "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, Florida Statutes, 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.
- M. "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.
- N. "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.
- O. "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.
- P. "Purchasing agent" means any public 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 an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- Q. "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.

- R. "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.

#### **RULE 5.105 CONFLICTS WITH STATE LAW**

In the event of conflict between Florida Statutes and this Ethics Policy, the Florida Statutes shall apply.

### **PART 2 STANDARDS OF CONDUCT.**

#### **RULE 5.201 SOLICITATION OR ACCEPTANCE OF GIFTS.**

No County Officer, County Employee, or candidate for County office 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, express or implied, which the County Officer, County Employee, or candidate knows or should know, is intended to influence the vote, official action, or judgment of the County Officer, County Employee, or candidate.

#### **RULE 5.202 DOING BUSINESS WITH ONE'S AGENCY.**

No County Employee acting in his or her official capacity as a purchasing agent, or County Officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the County Officer or County Employee or the County Officer's or County Employee's spouse or child is an officer, partner, director, or proprietor or in which such County Officer or County Employee or the County Officer's or County Employee's spouse or child, or any combination of them, has a material interest. Nor shall a County Officer or County Employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the County. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- a. October 1, 1975.
- b. Qualification for elective office.
- c. Appointment to public office.
- d. Beginning public employment.

#### **RULE 5.203 UNAUTHORIZED COMPENSATION.**

No County Officer or County Employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such County Officer, or County Employee, or local government 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 County Officer or County Employee was expected to participate in his or her official capacity.

#### **RULE 5.204 SALARY AND EXPENSES.**

As adopted by Resolution 2017R-23

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No County Commissioner shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a County Officer, as provided by law. The County Attorney shall not be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

**RULE 5.205 MISUSE OF PUBLIC POSITION.**

No County Officer or County 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. This section shall not be construed to conflict with s.104.31, Florida Statutes.

**RULE 5.206 CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**

- A. No County Officer or County 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, the County, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall a County Officer or County 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. If the Board of County Commissioners exercises any regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a County Officer or County Employee shall not be prohibited by this subsection or be deemed a conflict.
- C. This subsection shall not prohibit a County Officer or County Employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.

**RULE 5.207 DISCLOSURE OR USE OF CERTAIN INFORMATION.**

No County Officer or County 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 personal gain or benefit or for the personal gain or benefit of any other person or business entity.

**RULE 5.208 POST-EMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT.**

- A. No County Officer shall personally represent another person or entity for compensation before the Board of County Commissioners for a period of two (2) years following vacation of office. The manner in which the former County Officer vacated office is immaterial to the applicability of this provision.
- B. No County Officer or County Employee shall participate in any communications, including meetings, telephone calls, written correspondence, or indirect communication of any kind with a former County Officer if: (1) the subject matter of the conversation relates to a third party and the matter is likely to come before the Board of County Commissioners, and (2) the County Officer or County Employee knows or should know the former County Officer

left his or her position with the County less than two years prior to the communication. The manner in which the former County Officer vacated office is immaterial to the applicability of this provision.

**RULE 5.209 COUNTY EMPLOYEES HOLDING OFFICE.**

- A. No County Employee shall hold office as a member of the Board of County Commissioners or be a candidate for such position while, at the same time, continuing as a County Employee.
- B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this Policy. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

**RULE 5.210 EXEMPTION.**

The requirements of Rules 5.202 and 5.206 as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Rule 5.202 or 5.206 if:

- A. Within the County the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the County.
- 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 County disclosing the official's relationship to the bidder.
- 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 Rule 5.202 or 5.206 must be made in order to protect the health, safety, or welfare of the citizens of the County or state.
- E. The business entity involved is the only source of supply within the political subdivision of the County Officer or County Employee and there is full disclosure by the County Officer or County Employee of his or her interest in the business entity to the Board of County Commissioners 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 the agency does not exceed \$500 per calendar year.
- G. The fact that a County Officer or County Employee 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 the County, provided it appears in the record that the Board of County Commissioners has determined that such County Officer or County Employee has not favored such bank over other qualified banks.
- H. The County Officer or County 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 Columbia County.
- I. The County Officer or County Employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of the County and:
  - 1. The price and terms of the transaction are available to similarly situated members of the general public; and
  - 2. The County Officer or County Employee makes full disclosure of the relationship to the Board of County Commissioners prior to the transaction.

**RULE 5.211 ADDITIONAL EXEMPTION.**

No County Officer or County Employee shall be held in violation of Rule 5.202 or 5.206 if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s.501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with Columbia County, and:

- A. The County Officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;
- B. The County Officer has in no way participated in the County's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with County Officers or County Employees, or otherwise; and
- C. The County Officer abstains from voting on any matter which may come before the Board of County Commissioners involving the officer's employer, publicly states to the assembly the nature of the County Officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s.112.3143, Florida Statutes.

**RULE 5.212 NON-INTERFERENCE IN COUNTY REAL ESTATE TRANSACTIONS.**

The following provisions are intended to assure the integrity of the competitive bidding process is preserved, agreements are negotiated at arms-length and consistently enforced, and that no County Commissioner utilizes his or her position or any property within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.

- A. Definitions. As used in this subsection, unless the context otherwise requires, following terms shall be defined as follows:
  - 1. "County Real Estate Transaction" shall include any existing or proposed real estate transaction in which the County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party.
  - 2. "Communicate" or "Communication" shall include one-on-one meetings, discussions, telephone calls, e-mails, and the use of other persons to convey information or receive information.

3. “Property Manager” shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any County-owned property or, in absence of such an individual, the County Manager.
- B. Restricted Communication with Parties to County Real Estate Transactions.  
No County Commissioner shall knowingly communicate with any individual or entity, or their employees, officers, or agents, involved as a party in any County Real Estate Transaction, unless the communication is:
1. Part of the transactional process expressly described in a request for bids or other such solicitation invitation;
  2. Part of a noticed meeting of the Board of County Commissioners; or
  3. Incidental and does not include any substantive issues involving a County Real Estate Transaction in which such individual or entity is a party.
- C. Any Board member who receives a communication in violation of this Rule shall place in the record at the next regular meeting of the Board of County Commissioners, the following:
1. Any and all such written communications;
  2. Memoranda stating the substance of any and all such oral communications; and
  3. Any and all written responses to such communications, and memoranda stating the substance of any and all oral responses thereto, if any.
- D. Restricted Communication with County Employees and Property Manager.
1. No County Commissioner shall directly or indirectly coerce or attempt to coerce the County Manager, the County Attorney, any other County Employee, or the Property Manager, with respect to any County Real Estate Transaction.
  2. The County Manager or his designee shall be responsible for the management of any County-owned property, including the enforcement and termination of leases and license agreements. Except for the purpose of inquiry, County Commissioners shall not communicate directly or indirectly, give directions or otherwise interfere with these property management responsibilities.
  3. Any communication outside a noticed meeting of the Board of County Commissioners between a County Commissioner and the County Manager, the County Attorney, any County Employee, or the Property Manager, which communication involves a substantive issue in a County Real Estate Transaction, shall be summarized in writing by the Commissioner no later than three (3) working days after the communication (the Communication Summary), to include at a minimum, the name of the persons involved in the communication, the date of the communication, the subject matter of the communication, and the way in which the communication was ended. The Communication Summary may also include the remarks of the persons involved.
  4. The Communication Summary shall be delivered in hardcopy or via email using the Commissioner’s county email account to the Chair or, if the communication involved the Chair, to the Vice-Chair, with a copy of the Communication Summary to the County Manager and the County Attorney for review.

**RULE 5.213 VOTING CONFLICTS.**

- A. As used in this section:

1. "County Officer" includes any person elected or appointed to hold office in the County government, including any person serving on an advisory body.
  2. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law
- B. No County 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), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer. Such County 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, within 15 days after the vote occurs, 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.
- C. A commissioner of a community redevelopment agency created or designated pursuant to Fla. Stat. s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting when voting in said capacity.
- D. No appointed County 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 County Officer, without first disclosing the nature of his or her interest in the matter.
1. 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 agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
  2. 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 agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
  3. 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.

4. Whenever a county officer or former county officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

#### **RULE 5.214 USE OF OFFICE FOR POLITICAL OR PERSONAL MATTERS.**

Use of County resources, including but not limited to material goods and the use of office staff or any County personnel, for either political campaign purposes or other personal matters, is strictly forbidden.

### **PART 3 INVESTIGATION AND PROSECUTION OF COMPLAINTS**

#### **RULE 5.301 COMPLAINT**

A complaint or complaints of any alleged violation or violations of this policy may be made, in writing, by any Commissioner, County Officer, County Constitutional Officer, or County Employee to the County Attorney or, if the complaint raises allegations about the conduct of the County Attorney, to the County Manager. If the alleged violation relates to conduct or omissions of both the County Attorney and the County Manager, then the written complaint may be submitted to the Chair of the Board of County Commissioners for assignment to outside counsel. If the County Attorney directly observes conduct or omissions violating this policy the County Attorney may, in his or her discretion, initiate a complaint and investigation under this part.

A. The complaint shall:

- a. State the name of the complainant.
- b. State the name(s) of the respondent(s) alleged to have violated this policy.
- c. Include a short and plain statement of the facts or circumstances giving rise to the complaint, including the date and location of any violation and the identity of any witnesses to the alleged violation.
- d. Include copies of any documents the complainant wishes to have considered in the investigation of the complaint or, if such documents are not available, a description of such documents and where they are alleged to exist.
- e. Be sworn under oath and signed by the complainant.
  - (1) The complaint shall become public record in accordance with and subject to the exemptions contained in Florida Law

#### **RULE 5.302 INVESTIGATION**

The complaint shall be reviewed for sufficiency and shall be returned to the complainant without further action if any deficiency is found with the complaint. The complainant shall have ten (10) days to correct any deficiencies or the deficient complaint shall be closed. If the complaint is sufficient to state a claim then the entity with whom the complaint was filed shall notify the respondent of the allegations and conduct an investigation to determine the validity of the claims contained within the complaint.

1. If, in the opinion of the investigator, a conflict of interest exists or arises in the course of the investigation which will impair the ability of the investigator to complete a diligent and impartial investigation, the investigator shall refer the investigation to outside counsel.

2. If the complainant refuses to cooperate in the investigation then the complaint may be dismissed in the discretion of the investigator and the investigator shall file a report stating that basis for dismissal.
3. The investigation shall be concluded within thirty (30) days unless good cause exists to extend the investigation beyond thirty (30) days. If an investigation is extended the investigator shall set forth in writing the good cause for extending the investigation.
4. A written report including all findings of the investigation shall be completed by the investigator and the complaint shall be disposed in accordance with those findings.

### **RULE 5.303 DISPOSITION**

#### **A. No Probable Cause**

A finding of “no probable cause” shall mean that the investigation of the complaint has not resulted in the discovery of substantial competent evidence of a violation of this policy. In the event such a finding is made the complainant and the respondent(s) shall be notified via certified letter of the disposition of the complaint. There shall be no appeal of a determination of no probable cause.

#### **B. Probable Cause**

A finding of “probable cause” shall mean that the investigation of the complaint has resulted in the discovery of substantial competent evidence of a violation of this policy. If probable cause is found, the investigator shall take the following action:

1. First Violation: The investigator shall reduce all findings to writing and provide same to the respondent, the Chair, and the County Manager. The findings shall include a statement that the finding of probable cause against the respondent is a first violation of this Policy, and shall include remedial action to be taken by the respondent, including direction on how to avoid future ethical violations. The respondent shall complete the remedial action and report same to the investigator.
2. Second Violation: The investigator shall reduce all findings to writing and provide same to the respondent, the Chair, and the County Manager. The findings shall include a statement that the finding of probable cause against the respondent is a second violation of this Policy, and shall be referred for placement on the Board of County Commissioners’ Regular agenda for consideration of a public reprimand. Remedial actions, if any, shall be ordered by the Board of County Commissioners.
3. Third Violation: The investigator shall reduce all findings to writing and provide same to the respondent, the Chair, and the County Manager. The findings shall include a statement that the finding of probable cause against the respondent is a third violation of this Policy, and the report and findings shall be referred the Florida Commission on Ethics for further action, if any.

#### **C. Criminal Acts**

This Policy shall not prevent referral of any complaint to law enforcement if the investigator has reason to believe a criminal act forms any part of the basis for a complaint.

### **RULE 5.304 HEARINGS AND APPEALS**

The respondent shall have the right to appeal any probable cause determination to the Board of County Commissioners. The respondent shall have ten (10) days from the date the respondent receives a probable cause finding to give notice of appeal to the County Manager in writing. A timely request for appeal shall be set on the soonest board agenda possible following the County

Manager's receipt of the request. Such appeal shall be limited in scope to review of the information gathered in the investigation of the complaint, but the respondent shall have the right to cross examine any witnesses as to statements relied upon by the investigator in making any finding adverse to the respondent. At the conclusion of the hearing on the appeal the Board shall, by a vote of a majority of the voting members on the question, sustain or set aside a finding of probable cause. If no majority vote can be obtained then the finding of probable cause shall stand.