

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Rule 25-21.050,) DOCKET NO. 950172-OT
F.A.C., Acceptance of Gifts) ORDER NO. PSC-95-0543-FOF-OT
_____) ISSUED: May 4, 1995

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

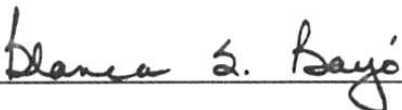
NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted Rule No. 25-21.050, Florida Administrative Code, relating to acceptance of gifts, without changes.

The rule was filed with the Department of State on May 3, 1995 and will be effective on May 23, 1995. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

BY ORDER of the Florida Public Service Commission, this 4th day of May, 1995.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

DOCUMENT NUMBER-DATE

04357 MAY-4 95

FFSC-RECORDS/REPORTING

25-21.050 Acceptance of Gifts.

(1) This rule is adopted to implement section 112.326, Florida Statutes, authorizing agencies to impose more stringent standards of conduct upon their employees than those specified in Chapter 112, Part III, Florida Statutes. The provisions of (2) apply in addition to that part.

(2) A Commission employee shall not knowingly accept anything of value for which equal or greater consideration is not given from any entity listed below, its officers or employees. This prohibition shall further apply to any business entity that either directly or indirectly owns, controls, is an affiliate of or is a subsidiary of the listed entities. These include:

- (a) An entity regulated by the Commission;
- (b) An entity that is currently a party or has been a party in a Commission proceeding during the preceding 12 months; or
- (c) A person or entity acting on behalf of a regulated entity or party.

(3) The provisions of (2) shall not apply:

- (a) When it is obvious from the circumstances that it is a relationship with a relative, as defined in section 112.312(21), Florida Statutes, or a personal relationship that pre-existed the regulatory relationship and which involves reciprocity, rather than the regulatory relationship, that is the motivating factor for offering a thing of value;

(b) To incidental items with a value of \$3.00 or less, determined as provided in section 112.3148(7), Florida Statutes;

(c) To items that are offered to the public at large or to public or private groups, such as professional, community, religious, social, or sports organizations, of which the employee is a member and where the group is not limited to employees of the Commission. However, a Commission employee shall not accept without payment food or beverages provided at a reception or similar event that is held in conjunction with a conference or meeting when the reception or similar event is sponsored by a regulated entity, association of regulated entities, or a party.

(d) To retirement or other post-employment benefits received as a result of prior employment with a regulated entity or party to a proceeding, which benefits the employee would receive regardless of employment by the Commission.

(e) To the acceptance of assistance in circumstances endangering the employee's or another person's life or property.

(f) To employees in secretarial, clerical, maintenance, or similar positions, unless the employee serves in a secretarial position under the direct supervision of a Commissioner.

(g) To the acceptance of transportation in a regulated entity's vehicle by an employee on a field visit to a site that is remote or difficult to access in a Commission vehicle.

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(4) Violation of this rule shall constitute grounds for disciplinary action for conduct unbecoming a public employee.

(5) An employee who is uncertain about accepting anything of value may request a written advisory opinion from the General Counsel and Executive Director.

Specific Authority: 112.326, F.S.

Law Implemented: 112.326, F.S.

History: New 5/23/95.