



STATE OF FLORIDA
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
DIVISION OF JOBS AND BENEFITS

ADM 97- 01
02/05/97
DIR

DIVISION POLICY

Application

All Jobs and Benefits Programs

Subject

Solicitation of Gifts for Clients

Effective Date

Upon Issuance

Expiration Date

Until superseded or rescinded

Purpose

To establish Division of Jobs and Benefits policy related to solicitation of gifts, such as goods or services, for clients of the Division.

Background

Chapter 110, part IV, FS authorizes state agencies to accept the donation of materials and services. The pertinent part of the statute reads:

110.502 Scope of act; status of volunteers.

- (1) Every state department or state agency, through the head of the department or agency, secretary of the department, or executive director of the department, is authorized to recruit, train, and accept, without regard to requirements of the State Career Service System as set forth in part II of this chapter, the services of volunteers, including regular-service volunteers, or material donors, to assist in programs administered by the department, or agency. (110.502(1), F.S.)

DISTRIBUTION KEY: G

The Code of Ethics contained in chapter 112, part II, Florida Statutes reads:

(2) Solicitation or Acceptance of Gifts:

No public officer, employee of an agency, local government attorney, or candidate for nomination or election 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 the vote, official action, or judgment of the public officer, employee, local government attorney or candidate would be influenced thereby. (112.313 (2) F.S.)

(6) Misuse of Public position:

No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position 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 section 104.31. (112.313(6) F.S.)

The Department's Office of General Council has provided an opinion that it is acceptable for associates to solicit material donations for the benefit of Division clients. That office also recommended that any solicitation should be approved by the Division Director, after conferring with the Secretary of LES.

Policy

It is the policy of this Division to allow solicitation of material donations (gifts) for the benefit of Division clients only after approval of the Division Director.

Action

Offices or associates who wish to solicit gifts or material donations to benefit Division clients must have prior approval by the Division Director.

Requests for approval must specify

1. the type of donation being solicited,
2. the person, business, or group from which donations will be solicited,
3. the clients to be benefited,
4. the specific benefit to be derived and,
5. certification that no benefit will accrue to any individual associate of the Division.

Requests may be initiated at any level. However, no request will be approved without the review and approval of the Office Manager or Program Administrator and the Regional Administrator or Bureau Chief.

Authority

Florida Statutes, Chapter 110, part IV and Chapter 112, part II.

A handwritten signature in black ink, appearing to read 'K. McLeskey', is written over a horizontal line.

Kathleen L. McLeskey
Director of Jobs and Benefits