



**Ethics in Purchasing for Research and Intellectual Property Contracts
under Florida Law # 140.105(a)**

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
August 24, 2012	March 2021	Office of Research and Economic Development/ Office of Research Integrity

PROCEDURE STATEMENT

Florida law prohibits a University employee acting in his or her official capacity as a purchasing agent from either directly or indirectly purchasing, renting, or leasing any realty, goods, or services on behalf of the University from any business entity in which the University employee or his/her spouse or child is an officer, partner, director, or proprietor or in which such University employee or his/her spouse or child, or any combination of them, has a material interest of more than 5 percent of the total assets or capital stock. Nor shall a University employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the University. Florida law also prohibits any University employee from having any employment or contractual relationship that would create a “continuing or frequently recurring” conflict between the University employee’s private interests and the performance of his/her duties at the University.

In very limited circumstances, Florida law permits these activities when related to the University’s research and/or technology transfer endeavors, as detailed in University policy #140.105, Ethics in Purchasing and Gift Policy. Specifically, the exemption is applicable to matters relating to the Office of Research and Economic Development (ORED) when a transaction is to be made pursuant to Fla. Stat. Section 1004.22 (the sponsored research statute) or s. 1004.23 (the intellectual property statute) and the transaction is specifically approved by the University president and the chair of the University board of trustees.

A University employee who wishes to pursue any of the following transactions (including contractual relationships) or outside employment or contractual relationships must seek University approval as required by these procedures prior to such transaction/contractual relationship or outside employment being effectuated:

1. The University employee seeks for the University to enter into a transaction (including a contractual relationship) with an entity in which the University employee or his/her spouse or child is an officer, partner, director, or proprietor or in which the University employee or his/her spouse or child, or any combination

- of them, has a material interest of more than 5 percent of the total assets or capital stock or;
2. The University employee seeks for the University to enter into a transaction (including a contractual relationship) that would create a continuing or frequently recurring conflict between the University employee's private interests and the performance of his/her duties at the University; or
 3. The University employee, acting in his/her private capacity, seeks to rent, lease, or sell any realty, goods, or services to the University; or
 4. The University employee seeks to have an outside employment or contractual relationship that would create a "continuing or frequently recurring" conflict between the University employee's private interests and the performance of his/her duties at the University.

As noted above, in order to fall within the exemption in the Florida statutes, the above transactions must all be in furtherance of the University's research or intellectual property endeavors.

If any of the above circumstances exist, the University employee who desires the University to approve the transaction/outside employment or contractual relationship at issue must complete the required paperwork as detailed on the Office of Research and Economic Development (ORED) Conflicts of Interest in Research webpage.

The University employee should submit the required documents to the Office of Research Integrity in ORED. The Conflict of Interest in Research Committee shall review the matter and the employee shall be contacted for any additional information required. After a determination has been made, the University employee will be advised of the outcome of the review. As noted above, the Florida Statutes require the approval of the Vice President for Research, University president and the chair of the University board of trustees before the transaction/outside employment or contractual relationship may proceed. Any approval of the proposed transaction will require the institution of a monitoring plan addressing the management and mitigation of the associated conflicts of interest.

For related information, see Policy #140.105, Ethics in Purchasing and Gift Policy and Policy #2370.005, Conflict of Interest in Research.