

Permanent Personnel**CONFLICT OF INTEREST****I. Statutory Provisions and Policy**

School Board employees are governed by the statutory provisions contained in the "Code of Ethics for Public Officers and Employees," Part III of Chapter 112, F.S., and by certain other statutes in the School Code. The following sections of this rule set forth the principles, in simplified form, in the statutory mandates. They cannot be used as definitive rules to apply to different sets of circumstances or factual situations. In any given situation, the full statutory language must be consulted for applicable definitions, and for exemptions, if any.

School Board employees are required to comply with all provisions of the Code of Ethics, including those provisions outlined below. This requirement discourages the appearance of impropriety and the perception of undue influence upon the business functions of the school district.

This Board rule applies specifically to conflicts of interest. Employees are reminded that other Board rules exist that may also address an employee's particular issue or question. It is an employee's responsibility to refer to and observe all School Board Rules that may be applicable to his or her individual situation.

II. Provisions**A. Gifts**

1. School Board 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. Section 112.313(2), F.S.
2. No School Board employee or his or her spouse or minor child shall accept any compensation, payment, or thing of value when

he or she knows, or with the exercise of reasonable care should know, that it was given to influence an action in which the employee was expected to participate in his or her official capacity. Section 112.313(4), F.S.

B. Misuse of Public Position

No School Board employee shall corruptly use or attempt to use his or her official position or perform his or her official duties to secure a special privilege, benefit, or exemption for himself, herself, or others. Section 112.313(6), F.S.

C. Doing Business with the School Board

1. No School Board employee acting in his or her official capacity shall directly or indirectly purchase, rent, or lease any goods or services for the School Board from any business entity of which the employee or his or her spouse or child is an officer, partner, director or proprietor, or in which such employee or his or her spouse or child, or any combination of them, has a material interest. Section 112.313(3), F.S.
2. Some case-specific exceptions to this provision may apply. School Board employees should review Section 112.313(12), F.S., for exemptions that may be applicable to their particular situations.

D. Conflicting Employment or Contractual Relationship

1. In addition to the restrictions on outside employment that School Board Rule 6Gx13-4C-1.17, Employment - Nonschool, places on employees, no School Board employee shall hold any employment or contract with any business entity or any agency that is doing business with the School Board. This provision does not apply to organizations and their officers who, acting in their official capacity, enter into or negotiate a collective bargaining

contract with the School Board. Section 112.313(7), F.S.

2. In addition to the restrictions on outside employment that School Board Rule 6Gx13-4C-1.17, Employment - Nonschool, places on employees, no School Board employee shall 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. Section 112.313(7)(a), F.S.

3. Guidelines for Avoidance of Conflict of Interest

To avoid conflicts of interests or the appearance of conflicts as it relates to personal purchases or private contracting, School Board employees who are required to file an annual statement of financial interests (financial disclosure form) or who have the authority to make purchases on behalf of the school district will adhere to the following guidelines. These guidelines do not apply to purchases made in a private capacity of goods or services at a price and upon terms available to similarly situated members of the general public.

- a. When entering into a transaction or contractual relationship as described above, School Board employees subject to these guidelines will make the following inquiries to the entity with whom they are contracting:
 - i. Does the business entity have a contractual relationship with the School Board for more than \$500?
 - ii. Is the contracting individual a principal or employee of an entity with a contractual relationship

with the School Board for more than \$500?

- b. If an affirmative answer is given to either inquiry above, the employee will request from the School Board Attorney guidance on whether contracting with the individual or entity would constitute a conflict of interest pursuant to "Code of Ethics for Public Officers and Employees," or other statute or School Board Rule. The School Board Attorney will issue a written opinion or will refer the employee to the Florida Commission on Ethics.
4. Clarification and opinions regarding the application of the "Code of Ethics for Public Officers and Employees" can be obtained at any time from the Florida Commission on Ethics.
- E. Disclosure or Use of Certain Information No School Board 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. Section 112.313(8), F.S.
- F. Employment After Termination
- School Board employees are prohibited from personally representing another person or entity or acting as an agent or attorney for compensation in connection with any matter in which Miami-Dade County Public Schools is interested for two (2) years after the School Board employees' service terminates. Section 112.313(9), F.S.
1. This restriction applies to all school senior level employees classified as Managerial Exempt Personnel, Pay Grade 22 and above, Dade County School Administrators Association, Pay Grade 47 and above, and other equivalent positions.

2. Exception to this provision is provided by statute for the purpose of collective bargaining, and may be granted to former school district employees who are employees or agents of not-for-profit organizations, other governmental agencies or those whose business relationship is determined by the School Board to be in the best interest of the school district.
3. Miami-Dade County Public Schools shall be prohibited from entering into any business relations or continue an existing business relationship with any person or entity determined to have engaged in a violation of the restriction contained in this provision.
4. In addition to penalties outlined in Section IV below, penalties for violation of this provision include a civil penalty equal to the compensation that the employee received for the prohibited conduct.

III. Self-Reporting Requirement

All School Board employees, upon initial hire and annually thereafter, shall certify that they will abide by the requirements of this Board rule, and that they will self-report any relationship that may implicate a potential conflict of interest or other violations of this rule. The certification shall be according to a process determined by the Office of Human Resources, Miami-Dade County Public Schools.

IV. Penalties

Penalties for violation of this rule and/or violations of the Code of Ethics include dismissal from employment; suspension from employment for not more than ninety (90) days without pay; demotion; reduction in salary level; forfeiture of no more than one-third salary per month for no more than twelve (12) months; civil penalty not to exceed \$10,000; restitution of any pecuniary benefits received because of the violation committed; and public censure and reprimand. Section 112.317, F.S.

Specific Authority: 1001.41(1)(2); 1001.42(6), (26); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 112.313(2), (3), (4), (6), (7),
(7)(a), (8), (9), (12); 112.317 F.S.

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