

School Board--Powers and Duties**CONFLICT OF INTEREST****I. Statutory Provisions**

School Board members are governed by the statutory provisions contained in the "Code of Ethics for Public Officers and Employees," Part III of Chapter 112, Florida Statutes; and by certain other statutes in the School Code.

The following simplified statements set forth the principles in these 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.

A. Standards of Conduct

1. Gifts--No Board member may either solicit or accept anything of value--including a gift, loan, reward, promise of future employment, favor, or service--that is based on any understanding that the vote, official action, or judgment of the Board member would be influenced by such gift. Sec. 112.313(2), F.S.
2. Other Prohibited Gifts--No Board member may solicit any gift, food, or beverage from a political committee or committee of continuous existence, or from a lobbyist who lobbies the School Board (or the partner, firm, employer, or principal of the lobbyist), where the gift or food or beverage is for the benefit of the Board member, another Board member, or any member of the immediate family of a Board member. No Board member or any person on behalf of the Board member may knowingly accept a gift from a political committee or committee of continuous existence, or from a lobbyist who lobbies the School Board (or the partner, firm, employer, or principal of the lobbyist), if the Board member knows or reasonably believes the gift has a value in excess of \$100--unless the gift is accepted on behalf of and transferred promptly to a governmental entity or a charitable organization, or is given to the Board member by a governmental entity for a public purpose. Gifts from relatives are not

prohibited, nor gifts associated primarily with the recipient's employment or business. Food or beverage consumed at a single sitting or event may be accepted. Sec. 112.3148, F.S.

3. Honoraria--No Board member may solicit an honorarium related to the member's public office or duties. No Board member may knowingly accept an honorarium from a political committee or committee of continuous existence, or from a lobbyist who lobbies the School Board (or from the employer, principal, partner, or firm of the lobbyist). Actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event for a Board member and spouse may be accepted. Sec. 112.3149, F.S.
4. Unauthorized Compensation--No Board member or his or her spouse or minor child may accept any compensation, payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member. Sec. 112.313(4), F.S.
5. Doing Business With One's Agency--No Board member acting in his or her official capacity may, directly or indirectly, purchase, rent, or lease any realty, goods, or services from a business entity in which the Board member, his or her spouse, or child is an officer, partner, director, or proprietor, or in which the Board member, his or her spouse, or child (or any combination of them) owns a material interest. Nor may a Board member, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the School Board or any of its agencies. Sec. 112.313(3), F.S.
6. Conflicting Employment or Contractual Relationship--No Board member may hold any employment or contract with any business entity or agency subject to the regulation of or doing business with the School Board. Neither may a Board member hold any employment or contractual relationship which will pose a recurring conflict between his or her private interests and his or her public duties or would impede

the full and faithful discharge of his or her public duties. Sec. 112.313(7), F.S.

7. Misuse of Public Position--No Board member may corruptly use or attempt to use his or her official position or any property or resource within his or her trust, or perform his or her official duties, to obtain a special privilege, benefit, or exemption for the Board member or others. Sec. 112.313(6), F.S.
8. Disclosure or Use of Certain Information--No Board member may disclose or use information not available to the general public and gained by reason of his or her public position for his or her personal benefit or the benefit of others. Sec. 112.313(8), F.S.
9. Employees Holding Office--No Board employee may be a member of the Board while simultaneously continuing as an employee. Sec. 112.313(10), F.S.

B. Voting Conflicts

A Board member is prohibited from voting on any matter which would inure to his or her special private gain, or to the special gain of a principal by whom he or she is retained, or to the special gain of the parent organization or subsidiary of a corporate principal by which he or she is retained, or to the special gain of a relative or business associate. The Board member must publicly state to the assembly the nature of his or her interest, and within 15 days file a written disclosure of the interest with the recording secretary of the Board. Sec. 112.3143, F.S.

C. Instructional Materials

No Board member shall accept anything of value or any inducement, to introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material. Sec. 1006.32 F.S.

D. Textbooks

No Board member shall receive any gift or compensation for promoting the sale or exchange of any schoolbook, map, or chart in any public school, or be an agent for the sale, or the publisher of any school textbook or reference work, or be pecuniarily interested in the introduction of any such textbook. Sec. 1006.32(8), F.S.

- E. No contract for supplying materials, supplies, and services needed for the district school system shall be made with any member of the School Board, with the Superintendent of Schools, or with any business organization in which any Board member or the Superintendent has any financial interest whatsoever. Sec. 1001.42, F.S.

II. **Additional Provisions**

The Board adopts the following regulations in addition to those required by statute.

- A. School Board members shall accept no gifts from any individual, firm, or business entity which the School Board member has reason to believe is doing business with or seeking to do business with the school district. Meals and admissions to events which relate directly to the school system may be accepted.
- B. School Board members shall not participate in trips paid by a vendor or potential vendor for the purpose of inspecting products or programs useful to the school district. Such trips, if deemed necessary, shall always be made at school district expense and approved by the Board at a public meeting.
- C. School Board members, their spouses or campaign committees shall not solicit any vendor or any employee of this school district to make contributions to any political campaign or testimonial.
- D. School Board members shall not solicit nor accept personal discounts on merchandise or services from individuals, firms or business entities which the Board member has reason to believe are doing business with or seeking to do business with this school district unless those discounts are available to the general public.

- E. No School Board member may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the Dade County public school system, unless such recommendation is made at a public meeting of the School Board.
- F. School Board members are prohibited from acting as an agent or attorney for compensation for anyone in connection with any matter in which Dade County Public Schools is interested for two years after her or his School Board service terminates.

III. 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 members 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 members will make the following inquiries to the entity with whom they are contracting:
 - 1. Does the business entity have a contractual relationship with the School Board for more than \$500?
 - 2. 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 School Board member will request from the School Board Attorney a written opinion indicating 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 state statute or School Board Rule. The School Board Attorney will issue a written opinion or will refer the Board member to the Florida Commission on Ethics.

- C. 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.

Specific Authority: 1001.41(1) and (2); 1001.42(26); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 112.313(2),(3),(4),(6),(7),(8) and (10); 112.3143; 112.3148; 112.3149; 1001.42; 1006.32; 1006.32(8), F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 8-20-86

Amended: 11-5-86; 11-1-89; 12-19-91; 3-17-10