

School Board--Methods of Operation**LOBBYISTS**

I. Purpose

The School Board of Miami-Dade County, Florida, determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition the School Board and Miami-Dade County Public Schools to express freely their opinions on School Board actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, interests and activities of certain persons who engage in efforts to influence actions of School Board members and employees either by direct or indirect communication be publicly and regularly disclosed.

II. Definitions

- A. "Lobbyist" means a person, firm or corporation who is employed and receives payment from, or who contracts for economic consideration with, any principal, person or organization for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. For purposes of this rule, the term "Lobbyist" specifically includes the principal as well as any agent, officer, or employee of a principal regardless of whether they are employees of the principal whose normal scope of employment does not include lobbying activities.
- B. One who is not an employee of a principal is a "lobbyist" if he/she is retained as an independent contractor or otherwise for payment or economic consideration by a person or governmental entity to lobby an agency on behalf of that person or governmental entity.

If a corporation, partnership, firm, or other business organization is retained for payment or economic consideration to lobby on behalf of another person or governmental entity, only the members, partners, associates, or employees of the entity who personally lobby on behalf of that person or governmental entity are "lobbyists."

- C. The terms "payment" or "economic consideration" do not include receiving only reimbursement for actual travel, lodging, and meal expenses.

- D. A lobbyist is not:
1. A person representing school allied groups, e.g.: Parent Teacher Association (PTA); Educational Excellence School Advisory Councils (EESAC); bargaining units; etc.;
 2. An attorney retained to represent individuals or entities in quasi-judicial proceedings; expert witnesses providing information in a public meeting; or representatives of non-profit organizations who only appear at meetings without compensation.
 3. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to Chapter 120 or any other formal hearing before the Board, a committee, or administrative law judge.
 4. An employee of a governmental entity or of a legislative, judicial or executive branch entity acting in the normal course of his or her duties.
 5. A confidential informant who is providing, or seeks to provide, confidential information to be used for law enforcement purposes.
 6. A public officer, employee or appointee who only appears in his or her official capacity.
 7. A person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item.
- E. "Lobbying" means any oral or written communication, direct or indirect, with the School Board, members of the School Board, School Board Committees, School Board Administrative Assistants, School Board Attorneys, or members of the Miami-Dade County Public Schools administrative staff, including site administrators and instructional staff for the purpose of doing business with the School District, the School Board and/or schools, influencing any official action, non-action, or decision or attempting to obtain the good will of a School Board member or employee of the School District.

III. Registration

Prior to any lobbyist or principal conducting any lobbying, each principal must file a form with the School Board Clerk, signed by the principal or the principal's duly authorized representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the required form may be considered in the evaluation of a bid, proposal or prequalification criteria as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the School Board Clerk at the time at which a lobbyist is no longer authorized to represent the principal.

A. Forms

Lobbyists shall annually complete a Lobbyist Registration Form providing the following information:

Name;

Business phone;

Mailing address;

Principal represented;

Principal's business address and telephone number;

The subject matters which the lobbyist seeks to influence; and

Any current member of the School Board or Miami-Dade County Public Schools administrative staff, School Board Administrative Assistant, or School Board Attorney, with whom the lobbyist or his/her principal has any direct business association.

All lobbyists shall register with the Office of the School Board Clerk within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever comes first. Every person required to register shall:

- (a) Register on forms prepared by the Clerk;
- (b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby.
- (c) Identify the corporation, if the lobbyist represents a corporation. The lobbyist shall also identify all persons employed by the School Board holding, directly or indirectly, a five (5) percent or more ownership interest in the corporation, partnership, or trust.

- (d) File a form with the Clerk prior to conducting any lobbying, on behalf of all principals.
- (e) List all individuals who may make a presentation when the person appears as a representative for an individual or firm for an oral presentation before a site administrator, or instructional personnel, or certification, evaluation, selection, technical review or similar oral presentation committee. This listing shall include:
 - (1) The Clerk's form;
 - (2) the list of presenters; and
 - (3) the indication of fee receipt.

Staff shall transmit this listing to the Clerk's office prior to the oral presentation. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any employee or committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

- (f) File an appropriate notice of withdrawal on behalf of each person who withdraws as a lobbyist for a particular client. Each principal shall also file a form with the Clerk of the Board at the time the lobbyist is no longer authorized to represent the principal.

The Clerk shall publish logs on an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection. All logs required by this rule shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

B. Business Interests

In addition to the information above, every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship with any current Member of the School Board or Miami-Dade County Public Schools Administration who is sought to be lobbied as identified on the lobbyist registration form filed.

C. Filing

- (a) The lobbyist registration form shall be filed by the lobbyist with the Office of the School Board Clerk by July 1st of each year, or when an individual becomes a lobbyist. Registration must be renewed by July 1st of each subsequent year or lapse. A separate registration form must be filed for each principal represented. Under no circumstances will any lobbyist be permitted to address the School Board at public meetings until the Lobbyist Registration Form is filed. Further, members of the School Board, Miami-Dade County Public Schools administration, School Board Administrative Assistants, school administrators and staff and School Board Attorneys will not discuss School Board business with a lobbyist who is meeting to influence purchasing decisions or Board action until the lobbyist has so registered.
- (b) Fee. The fee for annual registration shall be \$250.00. The registration fees required by this subsection shall be deposited by the School Board Clerk into an account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the School Board may, in its discretion, waive the registration fee upon a finding of financial hardship.

D. Prohibited Use

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or fund-raising or for commercial purposes.

E. Duty of Personnel

All members of the School Board, and all District personnel, shall make every effort to determine whether persons required to register have complied. Board members or District personnel may not knowingly permit a person who is not registered to lobby the School Board, the relevant committee, or District employee.

IV. Reporting Requirements

Commencing upon final adoption, and on July 1st of each year thereafter, lobbyists shall submit to the School Board Clerk an Expenditure Report under oath as provided in this rule listing all School Board lobbying

expenditures for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. A separate statement shall be filed for each principal represented. The statement shall list in detail each expenditure by category, including but not limited to, food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging, and special events.

Prior to any lobbyist or principal engaging in any lobbying, each principal must submit to the School Board Clerk a statement under oath disclosing the terms and amount of compensation paid, and to be paid, by each principal to the lobbyist with regard to the specific School Board matters on which the lobbyist has been engaged to lobby. A statement must be filed even if no compensation has or will be paid concerning the lobbying services.

The lobbyist shall submit to the Clerk of the Board a signed statement under oath, as provided in this rule, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events. A statement shall be filed even if there have been no expenditures during the reporting period.

The Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, any lobbyist who fails to file the required expenditure report by September 1st shall be automatically suspended from lobbying until all fees are paid unless a review of the fine has been appealed to the Ethics Advisory Committee.

Each principal and lobbyist has a continuing duty to supply accurate information and amend registration and reports when necessary.

V. Prohibited Activities

No person shall accept employment as a lobbyist on a basis which makes that person's compensation contingent in any manner upon the approval, rejection, or modification of any action, non-action or decision of the School Board; School Board members; School Board Committee; Miami-Dade County Public Schools administrative staff; School Board Administrative Assistants, school site administrators, or School Board Attorneys. "Contingency fee" means a fee, bonus, commission, or non-monetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) a resolution, action or decision of the Board; (2) any action, decision or

recommendation of the Superintendent or committee; or (3) any action, decision or recommendation of District personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the Board or staff.

VI. Investigations

The Inspector General may investigate or the Ethics Advisory Committee may request an investigation concerning any person engaged in lobbying activities who may be in violation of this rule.

VII. Penalties

In the event that a violation is found to have been committed, the Ethics Advisory Committee may make recommendations to the School Board that prohibit the person from lobbying before the School Board, any committee or District personnel and may adopt reports by the Inspector General or District personnel in support of its findings and recommendations.

The School Board may impose suspensions up to a period of two years from the date of determination of the violation or according to the following schedule:

1st violation: for a period of 90 days from the date of determination of violation;

2nd violation: for a period of one (1) year from the date of determination of violation;

3rd violation: for a period of two (2) years from the date of determination of violation;

The above schedule is to be used as a guideline and in no way limits the School Board's ability to impose a penalty that is more or less severe based on the facts of each particular case or violation.

Specific Authority: 1001.41(1), (2); 1001.42 (15), (25); 1001.43(10) F.S.

Law Implemented, Interpreted or Made Specific: 1001.41(1), (5) F.S.

History

New: 8-23-89

Technical Change: 5-1-98

Amended: 8-20-03; 9-7-10

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA