

Office of Superintendent of Schools
Board Meeting of August 21, 2002

August 9, 2002

Office of School Board Attorney
Johnny Brown, School Board Attorney

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE: FINAL
READING 6Gx13- 4A-1.212, CONFLICT OF INTEREST**

COMMITTEE: LEGISLATIVE RELATIONS AND POLICY DEVELOPMENT

The School Board of Miami-Dade County, Florida, announced on June 19, 2002 its intention to promulgate new School Board Rule 6Gx13- 4A-1.212, Conflict of Interest, at the meeting of August 21, 2002.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 24, 2002, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed new rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 4A-1.212, Conflict of Interest, to be effective August 21, 2002.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 19, 2002, its intention to promulgate new School Board Rule 6Gx13- 4A-1.212, Conflict of Interest, at its meeting of August 21, 2002.

PURPOSE AND EFFECT: To prohibit School Board employees from doing business with the school district for two (2) years after their service terminates in order to discourage the appearance of impropriety associated with former employees prior knowledge, contacts or relationship with the school district.

SUMMARY: The rule prohibits school district employees from doing business with the school district for two (2) years after their employment terminates.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 112.313(13) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 21, 2002, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 15, 2002, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Johnny Brown
Date: June 7, 2002

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

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, Florida Statutes, and by certain other statutes in the School Code.

Section 112.313(13), Florida Statutes, provides that the governing body of any school district may adopt a resolution providing that a school district employee may not personally represent another person or entity for compensation before the school district of which the individual was an employee for a period of two (2) years following termination of employment, except for the purpose of collective bargaining.

II. Policy

The policy of restricting business relationships between school district employees and the school district upon termination of employment discourages the appearance of impropriety associated with the school district employees' prior knowledge contacts or relationship with school district personnel, and the perception of undue influence upon the business functions of the school district.

III. Provisions

A. 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.

B. The 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.

C. Miami-Dade County Public Schools shall be prohibited from entering into any business relationship 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.

- D. 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.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 112.313(13) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: