

August 8, 2003

Merrett R. Stierheim, Superintendent of Schools

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING
6Gx13- 8C-1.21, LOBBYISTS**

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

The School Board of Miami-Dade County, Florida, announced on June 18, 2003 its intention to amend School Board Rule 6Gx13- 8C-1.21, Lobbyists, at the meeting of August 20, 2003, by establishing additional lobbying regulations in order for the Board to have more comprehensive policies regulating lobbyist activities in petitioning the School Board and Miami-Dade County Public Schools.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 23, 2003 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 amended 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 amended rule. Changes from the current rule are indicated by ~~striking through~~ words to be deleted and underscoring words to be added.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 8C-1.21, Lobbyists, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 20, 2003.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 18, 2003, its intention to amend Board Rule 6Gx13- 8C-1.21, Lobbyists, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The revision to the Board Rule establishes additional lobbying regulations governing lobbyist activities in petitioning the School Board and Miami-Dade County Public Schools.

SUMMARY: To establish additional lobbying regulations to have more comprehensive policies regulating lobbyist activities.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.41(1)(3) and (5) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 2003, 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, 2003, 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 AMENDED 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: Dr. Marta Pérez
Date: June 17, 2003

School Board--Methods of Operation**LOBBYISTS****I. Purpose**

The School Board of Miami-Dade County, Florida, hereby 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, 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.

Lobbyist means Any individual, firm, or corporation compensated by or who contracts for economic consideration from any principal person or organization for the purpose of lobbying, or who expects to benefit financially for his or her appearances or other activity on behalf of that person or organization before 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 administration staff, for the purpose of influencing any action, non-action, or decision or attempting to obtain the good will of a School Board member or employee of the school district, who is not readily identifiable by his/her position as an officer, full-time employee or attorney for such principal as a representative of that principal ("lobbyist") shall annually complete a Lobbyist Registration Form providing the following information:

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 employees of the principal whose normal scope of employment does not include lobbying activities. A lobbyist is not considered to be a person representing school allied groups, e.g.: Parent Teacher Association (PTA); Educational Excellence School Advisory Councils (EESAC); etc., a public official acting in his or her official capacity; attorneys 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.

II. Registration

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 administration, School Board Administrative Assistant, or School Board Attorney, with whom the lobbyist or his/her principal has any direct business association.

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.

This form ~~will~~ shall be filed by the lobbyist with the Office of the School Board Clerk in by July 1st of each year, or when an individual becomes a lobbyist. Registration must be renewed in 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 and School Board Attorneys will not discuss School Board business with such person when such lobbyist is meeting to influence Board action until the lobbyist has so registered.

The fee for annual registration shall be \$125.00. 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 or 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.

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 affair or for commercial purposes.

Upon being advised by a lobbyist that he/she is no longer representing a principal, the School Board Clerk will cancel the applicable Lobbyist Registration Form.

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.

III. 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 herein 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 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. If no compensation has or will be paid concerning the subject lobbying services, a statement shall nonetheless be filed reflecting as such.

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

IV. 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, or School Board Attorneys.V. Investigations

The School Board Inspector General shall investigate any person engaged in lobbying activities who may be in violation of this rule. In the event that a violation is found to have been committed, the Inspector General shall make a recommendation to the School Board consistent with the penalties set forth in Section VI.

VI. Penalties

The School Board may warn, reprimand, or censure any lobbyist violating any of the provisions of this rule, or may suspend the lobbyist from lobbying the School Board for a period of time; provided, however, that any suspension may not exceed a period of two (2) years, and no sanction shall be imposed until the lobbyist allegedly in violation has had reasonable notice and an opportunity to be heard before The School Board's Ethics Advisory Committee. The Ethics Advisory Committee will make a recommendation to the School Board, provided, however, any such recommendation shall be in addition to any other action recommended by the Inspector General.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted or Made Specific: ~~230.23(1),(3) and (5)~~ 1001.41(1)(3) and (5) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 8-23-89

Technical Change: 5-1-98

Amended: