

Dr. Marta Pérez, Member

**SUBJECT:           REQUEST THAT THE SCHOOL BOARD OF MIAMI-DADE  
COUNTY DIRECT THE BOARD ATTORNEY TO INITIATE  
RULEMAKING TO PROMULGATE A BOARD RULE FOR  
COMPLAINTS COVERED BY FLORIDA'S WHISTLE-  
BLOWER ACT**

**COMMITTEE:       INSTRUCTIONAL EXCELLENCE AND COMMUNITY  
ENGAGEMENT**

At the Audit Committee meeting of March 15, 2005, the firm of Ernst & Young LLP, the School Board's external auditors recommended that in furthering the best management practices for the school district that it adopt a procedure that facilitates the filing of whistle-blower complaints by employees.

Sections 112.3187-112.31895 of the Florida Statutes, Florida's Whistle-Blower Act ("WBA"), allows public agencies to establish a procedure to enable the filing of whistle-blower complaints by public employees without fear of retaliation. The intent of the WBA is to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate official violations of law on the part of a public employer or independent contractor that "create a substantial and specific danger to the public's health, safety, or welfare."

A secondary purpose of the WBA is "to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee." Section 112.3187, F.S. By creating a specific procedure for employees to file such complaints, the School Board would set a clear and uniform means of addressing legitimate whistle-blower complaints and thereby meet the goal of adhering to best management practices.

**ACTION PROPOSED BY  
DR. MARTA PÉREZ:**

**That The School Board of Miami-Dade County, Florida direct the Board Attorney to initiate rulemaking to promulgate a Board rule for complaints covered by Florida's Whistle-Blower Act**