

Allen Vann, Chief Auditor  
Office of Management and Compliance Audits

**SUBJECT:** PROPOSED PROMULGATION OF NEW SCHOOL BOARD  
RULE: INITIAL READING 6Gx13- 1B-1.033, CERTIFICATION OF  
COMPLIANCE WITH ETHICS GUIDELINES FOR PERSONS  
SERVING ON SCHOOL BOARD ADVISORY COMMITTEES.

**COMMITTEE:** INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

**LINK TO DISTRICT  
STRATEGIC PLAN:** ENSURE ADEQUATE AND EFFECTIVE INTERNAL  
CONTROLS AND OPERATIONAL EFFICIENCY

This item is submitted for consideration by the Board to promulgate the new School Board Rule 6Gx13- 1B-1.033, Certification of Compliance with Ethics Guidelines for Persons Serving on School Board Advisory Committees. The Ethics Advisory Committee (EAC) at its meeting of October 26, 2007 voted unanimously to recommend a new School Board Rule pertaining to Certification of Compliance with Florida's Code of Ethics for Individuals Serving on Advisory Committees (Non-Employee) of the School Board of Miami-Dade County, Florida.

- The new rule extends all pertinent ethical guidelines that apply to employees to persons serving on School Board advisory committees and require these individuals to complete and sign a certificate indicating their agreement.

Attached are the Notice of Intended Action, the proposed new School Board Rule, and the Certificate of Compliance with Florida's Code of Ethics for Individuals Serving on Advisory Committees (Non-Employee) of the School Board of Miami-Dade County, Florida.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of new School Board Rule 6Gx13- 1B-1.033, Certification of Compliance with Ethics Guidelines for Persons Serving on School Board Advisory Committees.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

1. initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 1B-1.033, Certification of Compliance with Ethics Guidelines for Persons Serving on School Board Advisory Committees; and
2. require individuals who are not employed by the Miami-Dade County School District and serve on School Board Advisory Committees to complete and sign a certificate indicating their intent to comply with applicable ethical guidelines.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 19, 2007, its intention to promulgate new School Board Rule 6Gx13- 1B-1.033, Certification of Compliance with Ethics Guidelines for Persons Serving on School Board Advisory Committees, at its meeting of February 13, 2008.

**PURPOSE AND EFFECT:** The new rule extends all pertinent ethical guidelines that apply to employees to persons serving on School Board advisory committees.

**SUMMARY:** Under this rule persons serving on School Board advisory committees will be required to comply with all applicable ethical standards established by state law and Board Rule, and complete and sign a certificate indicating their agreement.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** §§1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

**LAWS IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** §§ 112.311; 112.313; 112.3143; 286.012; F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF February 13, 2008, 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 January 16, 2008, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Allen M. Vann  
Supervisor: Carolyn Spaht  
Date: December 10, 2007

Participation by the Public**CERTIFICATION OF COMPLIANCE WITH ETHICS GUIDELINES FOR PERSONS SERVING ON SCHOOL BOARD ADVISORY COMMITTEES**

The School Board recognizes the importance that all individuals who serve on behalf of the Board conduct themselves in an ethical manner. Pursuant to applicable State law, all individuals, who are not employed by the Miami-Dade County school district, but who serve on School Board advisory committees must adhere to pertinent ethical guidelines also required of employees of the district. As such, any individual who is not employed by the school district, but who has been selected or appointed to a school district advisory committee and has voluntarily agreed to serve in this capacity will be required to complete and sign a certificate indicating said individual's intention to comply with applicable ethical guidelines.

Specific Authority: §§ 1001.41(1)(2); 1001.42(23); 1001.43(10), Fla. Stat.

Laws Implemented, Interpreted, or Made Specific: §§ 112.311; 112.313; 112.3143; 286.012; Fla. Stat.

History

New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

**CERTIFICATION OF COMPLIANCE WITH FLORIDA'S  
CODE OF ETHICS FOR INDIVIDUALS SERVING ON ADVISORY  
COMMITTEES (NON-EMPLOYEE) OF THE SCHOOL BOARD OF MIAMI-DADE  
COUNTY, FLORIDA**

**DUTIES OF PUBLIC OFFICERS:**

All prospective and current individuals who are not employees of the Miami-Dade County Public Schools and who voluntarily serve on advisory committees for the School Board of Miami-Dade County, Florida understand that as a committee member they are public officers who must comply with the applicable provisions of Florida's Code of Ethics, Chapter 112 of the Florida Statutes. These committee members also agree to conduct themselves in accordance with the highest ethical principles in the course of participating in School Board related activities. Committee members further agree to, at all times, act in the best interests of Miami-Dade County Public Schools, the education of its students and the community, and to avoid conflicts of interests. In this regard, committee members acknowledge and understand the following:

A member of a committee shall not corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

**SOLICITATION OR ACCEPTANCE OF GIFTS:**

A member of a committee shall not solicit, nor accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote by the committee member, official action, or judgment of the committee member would be influenced by said gift, loan, reward, promise of future employment, favor, or service.

A member of a committee shall not, or his or her spouse or minor child, at any time, accept any compensation, payment, or thing of value when such committee member knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the committee member was expected to participate in his or her official capacity.

**DISCLOSURE OF CONFIDENTIAL INFORMATION:**

A member of a committee may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

**CONTRACTUAL RELATIONSHIPS:**

A member of a committee shall not have, nor hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, nor shall a committee member have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

VOTING REQUIREMENTS:

A member of a committee who is present at his or her respective committee meeting at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest as explained herein.

CONFLICT OF INTEREST:

A member of a committee shall not vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, or which he or she knows would inure to the special private gain or loss of a relative or business associate of the committee member. Such committee member shall, prior to the vote being taken, publicly state to the assembly the nature of the member's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Any committee member who has a question regarding a potential conflict of interest should contact the Florida Commission on Ethics and request a formal or informal opinion, whichever is more appropriate, on the matter

**CERTIFICATION**

I hereby declare that I have read and understood the foregoing and that I agree to abide by the requirements set forth herein.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_