

LOBBYIST ACTIVITIES FOR ECONOMIC GAIN

ALL PERSONS ACTING AS LOBBYISTS MUST REGISTER WITH THE DISTRICT ANNUALLY AND DISCLOSE THE IDENTITY OF THE PRINCIPAL (SEE RULE 2 FOR DEFINITION OF PRINCIPAL) WHOM THEY REPRESENT AT THE BEGINNING OF EVERY COMMUNICATION, WHEN THE INTENT OF THE COMMUNICATION IS TO LOBBY. THIS INCLUDES SUCH COMMUNICATIONS WITH THE SCHOOL BOARD, SCHOOL BOARD MEMBER(S), SUPERINTENDENT, SCHOOL BOARD COMMITTEES, SCHOOL BOARD ADMINISTRATIVE ASSISTANTS, AND EMPLOYEES OF THE BROWARD COUNTY SCHOOL BOARD. ALL LOBBYISTS MUST COMPLY WITH THE RULES SET FORTH IN THIS POLICY.

Authority: F.S. 1001.41 (1) (2)
Policy Adopted: 5/19/98;

Amended Policy Approved: 9/15/98; 12/15/09; 3/20/12

RULES:

DEFINITIONS

1. FOR PURPOSES OF THIS POLICY, A LOBBYIST IS DEFINED AS ANY INDIVIDUAL, FIRM, CORPORATION, OR OTHER BUSINESS ENTITY WHO ENGAGES IN LOBBYING FOR THE ECONOMIC GAIN OF A PRINCIPAL, REGARDLESS OF WHETHER THEY ARE COMPENSATED FOR LOBBYING OR NOT. THE TERM LOBBYIST SPECIFICALLY INCLUDES THE PRINCIPAL, AS WELL AS ANY AGENT, OFFICER, OR EMPLOYEE OF A PRINCIPAL REGARDLESS OF WHETHER OR NOT THE EMPLOYEE'S NORMAL SCOPE OF EMPLOYMENT INCLUDES LOBBYING ACTIVITIES.
2. FOR PURPOSES OF THIS POLICY, A PRINCIPAL IS DEFINED AS THE INDIVIDUAL, FIRM, CORPORATION, OR OTHER BUSINESS ENTITY WHICH HAS EMPLOYED OR RETAINED THE SERVICES OF A LOBBYIST OR WHICH STANDS TO BENEFIT FROM LOBBYING ACTIVITIES.
3. FOR PURPOSES OF THIS POLICY, A LOBBYIST IS NOT CONSIDERED TO BE:
 - A PERSON REPRESENTING SCHOOL ALLIED GROUPS (E.G., PTA, DISTRICT ADVISORY COMMITTEE, BAND BOOSTER ASSOCIATIONS, ETC.),
 - A PERSON REPRESENTING AN EMPLOYEE BARGAINING GROUP (E.G., UNION, MEET AND CONFER GROUP) WHEN ACTING ON BEHALF OF THE EMPLOYEE BARGAINING GROUP,
 - A PUBLIC OFFICIAL OR EMPLOYEE OF A GOVERNMENTAL AGENCY ACTING IN HER/HIS OFFICIAL CAPACITY,
 - AN ATTORNEY REPRESENTING A CLIENT IN A JUDICIAL OR FORMAL ADMINISTRATIVE PROCEEDING CONDUCTED PURSUANT TO CHAPTER 120 (OR ANY OTHER FORMAL HEARING BEFORE AN AGENCY, BOARD, COMMISSION, OR AUTHORITY OF THIS STATE),
 - OR ANY PERSON IN HIS OR HER INDIVIDUAL CAPACITY FOR THE PURPOSE OF SELF-REPRESENTATION.
4. FOR PURPOSES OF THIS POLICY, LOBBYING MEANS ANY COMMUNICATION (ON BEHALF OF A PRINCIPAL) WITH:

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- THE SCHOOL BOARD,
- MEMBER(S) OF THE SCHOOL BOARD,
- SCHOOL BOARD COMMITTEES,
- SCHOOL BOARD ADMINISTRATIVE ASSISTANTS,

- OR EMPLOYEES OF THE BROWARD COUNTY SCHOOL BOARD,

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 WHERE THERE WOULD BE ECONOMIC GAIN TO THE PRINCIPAL.

5. FOR PURPOSES OF THIS POLICY, IMMEDIATE FAMILY MEANS SPOUSE, MOTHER, FATHER, CHILDREN, OR SIBLING(S) AND THOSE IMMEDIATE FAMILY MEMBERS OF THE SPOUSE.

DISCLOSURE

6. LOBBYISTS SHALL DISCLOSE IN EACH INSTANCE, AND FOR EACH PRINCIPAL PRIOR TO ANY LOBBYING ACTIVITIES, THEIR IDENTITY AND ACTIVITIES BY COMPLETING THE LOBBYIST STATEMENT FORM WHICH CAN BE OBTAINED FROM THE OFFICE OF THE EXECUTIVE DIRECTOR, PUBLIC RELATIONS & GOVERNMENTAL AFFAIRS. THE LOBBYIST STATEMENT FORM SHALL INCLUDE A STATEMENT SIGNED BY THE PRINCIPAL OR PRINCIPAL'S AUTHORIZED REPRESENTATIVE THAT THE LOBBYIST IS AUTHORIZED TO REPRESENT THE PRINCIPAL. AN UPDATED LOBBYIST STATEMENT FORM MUST BE FILED ANNUALLY PRIOR TO JULY 1ST.
7. LOBBYISTS MUST DISCLOSE ANY DIRECT BUSINESS ASSOCIATION WITH ANY CURRENT SCHOOL BOARD MEMBER OR EMPLOYEE OF THE SCHOOL BOARD OR ANY IMMEDIATE FAMILY OF THE SCHOOL BOARD MEMBER OR EMPLOYEE OF THE SCHOOL BOARD.
8. SENIOR-LEVEL EMPLOYEES (PAY GRADE 30 AND ABOVE) AND SCHOOL BOARD MEMBERS ARE PROHIBITED FROM LOBBYING ACTIVITIES FOR TWO YEARS AFTER EMPLOYMENT OR TERM OF OFFICE HAS BEEN SEVERED.
9. THE EXECUTIVE DIRECTOR, PUBLIC RELATIONS & GOVERNMENTAL AFFAIRS SHALL KEEP A CURRENT LIST OF PERSONS WHO HAVE SUBMITTED THE LOBBYIST STATEMENT FORM AND THE PRINCIPALS THEY REPRESENT.
10. IN ACCORDANCE WITH SCHOOL BOARD POLICY 1007, ETHICS CODE FOR SCHOOL BOARD MEMBERS, A LOBBYING CONTACT REPORT FORM SHALL BE COMPLETED AND SIGNED BY A SCHOOL BOARD MEMBER FOR ANY OCCASION OF LOBBYING ACTIVITY THAT HAS OCCURRED BETWEEN THE SCHOOL BOARD MEMBER AND AN INDIVIDUAL LOBBYIST, OR THE PRINCIPAL OR EMPLOYER OF A LOBBYIST. THESE FORMS ARE SUBJECT TO

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PUBLIC INSPECTION BOTH IN HARD COPY AND ALSO IN A SEARCHABLE MANNER VIA THE SCHOOL DISTRICT'S WEBSITE.

PROHIBITION OF LOBBYING

11. A LOBBYIST (AS DEFINED HEREIN) FOR A PROPOSER IS PROHIBITED FROM HAVING ANY COMMUNICATIONS CONCERNING ANY SOLICITATION FOR A COMPETITIVE PROCUREMENT WITH ANY SCHOOL BOARD MEMBER, THE SUPERINTENDENT OF SCHOOLS, ANY EVALUATION COMMITTEE MEMBER, OR ANY EMPLOYEE OF THE SCHOOL BOARD (OTHER THAN THOSE INDIVIDUALS SPECIFIED WITHIN THE TERMS AND CONDITIONS OF THE SOLICITATION), AFTER THE SUPPLY MANAGEMENT AND LOGISTICS OR FACILITIES AND

CONSTRUCTION MANAGEMENT DEPARTMENT RELEASES A SOLICITATION TO THE GENERAL PUBLIC. THE "CONE OF SILENCE" SHALL GO INTO EFFECT AND SHALL REMAIN IN EFFECT FROM THE TIME OF RELEASE OF THE SOLICITATION UNTIL THE CONTRACT IS AWARDED BY THE SCHOOL BOARD. FURTHER, LOBBYISTS ARE PROHIBITED FROM PROVIDING CAMPAIGN CONTRIBUTIONS TO ANY SCHOOL BOARD MEMBERS FOR THEIR OWN CAMPAIGNS OR THE CAMPAIGNS OF OTHER CANDIDATES FOR POLITICAL OFFICE DURING THE "CONE OF SILENCE." IN ADDITION TO OTHER PENALTIES IN THIS POLICY, A LOBBYIST WHO VIOLATES ANY OF THESE PROVISIONS SHALL CAUSE THE PRINCIPAL'S PROPOSAL TO BE CONSIDERED NOT RESPONSIVE AND THEREFORE BE INELIGIBLE FOR AWARD. FURTHER, THE BOARD MAY DECLARE VOID A CONTRACT ENTERED INTO BY THE SCHOOL BOARD WHERE A SCHOOL BOARD EMPLOYEE OR SCHOOL BOARD MEMBER HAS BEEN LOBBIED BY THE SUCCESSFUL VENDOR, PRINCIPAL OR ENTITY IN VIOLATION OF THE PROVISIONS OF THIS POLICY.

INVESTIGATION OF VIOLATIONS; PENALTIES

12. THE SUPERINTENDENT, OR HIS OR HER DESIGNEE, UPON RECEIPT OF A SWORN COMPLAINT ALLEGING A VIOLATION TO THE PROVISIONS OF THIS POLICY, SHALL CONDUCT SUCH INVESTIGATION AS HE OR SHE SHALL DEEM NECESSARY UNDER THE CIRCUMSTANCES. IN THE EVENT THAT A VIOLATION IS FOUND TO HAVE BEEN COMMITTED, A RECOMMENDED PENALTY SHALL BE MADE TO THE BOARD. THE BOARD MAY WARN, REPRIMAND, SUSPEND, OR PROHIBIT THE VIOLATOR FROM APPEARING ON BEHALF OF ANY PRINCIPAL BEFORE THE BOARD OR ANY DECISION-MAKING BODY UNDER THE JURISDICTION OF THE BOARD FOR A PERIOD OF TIME NOT TO EXCEED TWO (2) YEARS. THE BOARD WILL IMPOSE MORE SEVERE PENALTIES TO INDIVIDUALS PREVIOUSLY FOUND IN VIOLATION OF THIS POLICY. NO PENALTY SHALL BE IMPOSED UNLESS THE LOBBYIST ALLEGEDLY IN VIOLATION HAS BEEN AFFORDED REASONABLE NOTICE AND AN OPPORTUNITY TO BE HEARD. THE INTENTIONAL FAILURE OR REFUSAL OF ANY LOBBYIST TO COMPLY WITH ANY

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ORDER OF THE BOARD SUSPENDING OR PROHIBITING THE LOBBYIST FROM LOBBYING SHALL BE SUBJECT TO SUCH CIVIL REMEDIES AS THE BOARD MAY PURSUE, INCLUDING INJUNCTIVE RELIEF.

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Rules Adopted: 5/19/98;

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