

CHAPTER 2.00—SCHOOL BOARD GOVERNANCE AND ORGANIZATION
2.221 SPECIAL GIFT RESTRICTIONS FOR SCHOOL BOARD MEMBERS

(1) Statement of Policy. The purpose of this policy is to implement Section 1001.421, Florida Statutes, which prohibits the solicitation by School Board Members and their relatives of any gift, and the acceptance by School Board Members and their relatives of any gift in excess of Fifty Dollars (\$50.00), from any vendor, potential vendor, or other person or entity doing business with the School District. The limitations upon gifts that may be accepted by School Board Members set forth in Section 1001.421, Florida Statutes, and this policy are in addition to the restrictions and limitations that exist under Part III of Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees (“Code of Ethics”).

(2) Definitions. Unless otherwise defined in this section (2), the operative words or terms within this policy shall be as defined in the Code of Ethics and as such words or terms have been interpreted by the Florida Commission on Ethics. The following general definitions shall be used for the purposes of this policy:

(a) “Vendor” means any person or entity that has been awarded or otherwise received a contract to provide goods or services to the School District for compensation. Status as a vendor concludes when an award or contract to provide goods or services to the School District has expired or has otherwise been terminated.

(b) “Potential Vendor” means any person or entity that has submitted a proposal or bid in response to a pending competitive solicitation issued by the School District. Status as a potential vendor under a competitive solicitation concludes when the School Board either approves an award or rejects all proposals or bids received.

(c)(i) “Gift” means that which is accepted by a School Board Member or by another on the School Board Member’s behalf, or that which is paid or given to another for or on behalf of a School Board Member, directly, indirectly, or in trust for the School Board Member’s benefit or by any other means, for which equal or greater consideration is not given within ninety (90) days, including:

A. Real property;

B. The use of real property;

C. Tangible or intangible personal property;

D. The use of tangible or intangible personal property;

E. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate that is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;

F. Forgiveness of an indebtedness;

G. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking;

H. Food or beverage;

I. Membership dues;

J. Entrance fees, admission fees, or tickets to events, performances, or facilities;

K. Plants, flowers, or floral arrangements;

L. Services provided by persons pursuant to a professional license or certificate;

M. Other personal services for which a fee is normally charged by the person providing the services; or

N Any other similar service or thing having an attributable value not already provided for in this subsection (2)(c).

(ii) "Gift" does not include:

A. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the School Board Member's employment, business, or service as an officer or director of a corporation or organization, as provided by Section 112.312(12)(b)1, Florida Statutes;

B. Contributions or expenditures reported pursuant to Chapter 106, Florida Statutes, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee, as provided by Section 112.312(12)(b)2, Florida Statutes;

C. An honorarium or an expense related to an honorarium event paid to a School Board Member or to the School Board Member's spouse, as provided by Section 112.312(12)(b)3, Florida Statutes;

D. An award, plaque, certificate, or similar personalized item given in recognition of the School Board Member's public, civic, charitable, or professional service, as provided by Section 112.312(12)(b)4, Florida Statutes;

E. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization, as provided by Section 112.312(12)(b)5, Florida Statutes;

F. The use of a public facility or public property, made available by a governmental agency, for a public purpose, as provided by Section 112.312(12)(b)6, Florida Statutes;

G. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business, as provided by Section 112.312(12)(b)7, Florida Statutes; or

H. Gifts provided directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization, as provided by Section 112.312(12)(b)8, Florida Statutes.

(d) "Relative" in this policy shall be defined as an individual who is related to a School Board Member as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grand parent, step grandchild, step great grandchild, person who is engaged to be married to the School Board Member or who otherwise holds himself or herself out as or is generally known as the person whom the School Board Member intends to marry or with whom the School Board Member intends to form a household, or any other natural person having the same legal residence as the School Board Member.

(3) Acceptance of Other Permitted Gifts. Except for gifts otherwise precluded by sections (5) and (6) of this policy and applicable law, School Board Members may accept gifts given to them and permitted by the provisions of the Code of Ethics, including:

(a) Receiving gifts from relatives as defined in this policy and as permitted by Section 112.3148(8)(a)1, Florida Statutes;

(b) Accepting a gift valued in excess of One Hundred Dollars (\$100.00) and not otherwise prohibited, provided that the School Board Member compensates the donor within ninety (90) days of receipt of the gift for the amount of the gift in excess of One Hundred Dollars (\$100.00), as permitted by Section 112.3148(8)(a), Florida Statutes;

(c) Temporarily accepting a gift having a value in excess of One Hundred Dollars (\$100.00), in the School Board Member's official capacity, on behalf of a governmental entity or charitable organization, provided the gift is promptly transferred by the School Board Member to that intended recipient, as permitted by Section 112.3148(5)(a), Florida Statutes;

(d) Accepting any gift otherwise permitted under the Code of Ethics from the School Board's direct support organizations existing as authorized by Section 1001.453, Florida Statutes, as permitted by Section 112.3148(6)(b), Florida Statutes;

(4) Valuation of Gifts. The valuation of gifts as defined in subsection (2)(c) of this policy shall be determined in the same manner as provided in Section 112.3148(7), Florida Statutes.

(5) No Solicitation of Gifts from Specified Persons and Entities. School Board Members and their relatives may not directly or indirectly solicit any gift from any vendor, potential vendor, or other person or entity doing business with the School District.

(6) Restrictions on Acceptance of Gifts from Specified Persons and Entities. School Board Members and their relatives may not directly or indirectly accept any gift having a value in excess of Fifty Dollars (\$50.00) from any vendor, potential vendor, or other person or entity doing business with the School District.

(7) List of Vendors, Potential Vendors, and Persons and Entities Doing Business with the School District. The School District Purchasing Department shall maintain a current list of vendors and potential vendors (as defined in this policy), and other persons or entities doing business with the School District.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.
LAWS IMPLEMENTED: 112.326, 1001.421, F.S.

History:
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