



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
School Board Advisory Committee
Conflict of Interest

Return the completed form, and Form 4A (Disclosure of Business Transaction, Relationship or Interest) if required, to the Clerk, School Board of Palm Beach County, 3300 Forest Hill Blvd., West Palm Beach, Florida 33406.

Committee recommended for or appointed to _____

Recommended or appointed by _____

Name _____ Home Phone or Cell _____

Mailing Address _____

City _____ State _____ Zip Code _____

E-mail _____ Work Phone _____

Employer _____

Employer Address _____

City _____ State _____ Zip Code _____

POTENTIAL CONFLICT OF INTEREST: The standards of conduct provisions of the Florida Code of Ethics, §§112.313(3) and (7), Fla. Stat., and the voting prohibitions of §112.3143(3) and (4), Fla. Stat., are applicable to the Board's Advisory Committee members, as they are considered to be public officers as defined in §§112.313(1) and 112.3143(1), Fla. Stat. See pages 2 and 3 for the "standards of conduct" provisions governing prohibitions of doing business with one's agency and conflicting employment/contractual relationships, as well as the applicable exemptions to the standards of code for your assistance in answering the questions below.

Are you aware of any potential conflict of interest that may arise from your serving as a member of the Board's advisory committee that you have been recommended for or appointed to? Yes No

If "Yes" above, explain: _____

If you have a conflict, or believe you may have a potential conflict, you should determine if a statutory exemption may apply as provided in §112.313(12) or seek a waiver of such conflict from the School Board.

If you believe one of the exemption provisions of §112.313(12)(a)-(j) applies to you, indicate the specific exemption you claim. _____

If you are seeking a waiver from the School Board, you must complete the Florida Commission on Ethics Form 4A (Disclosure of Business Transaction, Relationship or Interest) attached as Attachment "B". The form may also be located on the Florida Commission on Ethics web site at <http://www.ethics.state.fl.us/Forms/Form4a.PDF>. Form 4A must be returned for action by the School Board.

Signature

Date

COMPLETED BY BOARD'S OFFICE ONLY

Date filed _____

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys. --

(3) DOING BUSINESS WITH ONE'S AGENCY. --No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP. --

(a) No public officer or employee of an agency shall have or 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, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency 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.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(12) EXEMPTION. --The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

- (b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:
1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;
 2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
 3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.
- (c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
- (d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
- (e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
- (f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
- (g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.
- (h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.
- (i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.
- (j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:
1. The price and terms of the transaction are available to similarly situated members of the general public; and
 2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.