



Book	School Board Policies
Section	Ch. 2. General Administration
Title	Lobbyist Registration
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## **Policy 2.5905 – Lobbyist Registration**

### **1. Purpose**

The School Board of Palm Beach County, Florida recognizes that responsible government requires that the public be given the fullest opportunity to express opinions freely regarding issues that come before the School Board. In order to balance this principle with the need for confidence and transparency in the decision-making process, the School Board has determined that it would be in the best interests of the public to require the registration and public disclosure of the identity of Lobbyists and to require such Lobbyists to report expenditures, fees, interests, and activities relating to lobbying efforts.

The goals of the registration, disclosure and reporting requirements set forth herein are two-fold:

- a. To ensure that the public has full knowledge of who is attempting to influence the decisions that affect School Board policy, and
- b. To ensure that policy-makers and decision-makers are informed of the interests each Lobbyist represents.

### **2. Definitions**

- a. "Client" for the purposes of this policy, "Client" shall mean any person or entity that employs or retains a Lobbyist to conduct lobbying activities on behalf its behalf.
- b. "Lobbying" for the purposes of this policy, "Lobbying" shall mean direct or indirect oral or written communication on behalf of a Client with the Members of the School Board, Members of School Board Advisory Committees, School District Executive Leadership, or Purchasing Department employees for the purpose of:
  - i. Assisting a Client in obtaining business with the School District; or
  - ii. Encouraging approval, disapproval, adoption, repeal, or modification of a policy; or
  - iii. Influencing any official action, non-action, or decision of the School Board, a School Board Advisory Committee, Superintendent of Schools, a School District Chief, Director of Legislative Affairs or employee of the Purchasing Department; or
  - iv. Obtaining the goodwill of any Member of the School Board, Member of a School Board Advisory Committee, Superintendent of Schools, a School District Chief, Director of Legislative Affairs or employee of the Purchasing Department with regard to a matter that may foreseeably come before him/her for consideration in his/her official capacity as an official, employee, or agent of the School Board.
  - v. Lobbying shall not include the provision of marketing materials by sales or account representatives, responses to electronic postings for contract opportunities, a presentation to an Evaluation Committee during the competitive solicitation process, presentations during public meetings, nor the submission of written sealed bids, responses, or replies to competitive solicitations that will be opened publicly.

- vi. Lobbying shall not include communications from an attorney to an attorney representing the School Board regarding a pending or imminent judicial or adversarial administrative proceeding against the School Board. Pursuant to Rule 4-4.2 of the Rules of Professional Conduct of the Florida Bar, an attorney's direct communications with represented persons, including School Board Members and protected employees on matters for which the attorney for the School Board is providing representation is prohibited.
  - vii. Lobbying shall not include communications by a person representing bargaining units or non-bargaining unit associations. Communication with Members of the School Board by a bargaining unit or non-bargaining unit association representative are governed by School Board Policy 1.03 and collective bargaining agreement provisions.
- c. "Lobbyist". A "Lobbyist" means any individual, partnership, firm, corporation, or other business entity who is employed and receives payment, or who contracts for economic consideration on behalf of a Client and shall include an employee whose principal responsibility to the Client is overseeing the Client's various relationships with government or representing the Client in its contacts with government. For the purposes of this policy, a "Lobbyist" is not:
- i. Any person who lobbies only in his or her individual capacity for the purpose of self-representation or in his or her individual capacity as an employee of a firm as part of his or her job responsibilities, such as a sales or account representative;
  - ii. A person representing school allied groups or outside parent groups affiliated with and recognized by the school, such as a school PTA or booster club; direct support groups or organizations; or internal student clubs or parent groups, such as a PTO;
  - iii. A person representing an employee bargaining unit, a non-bargaining unit association (e.g., union, meet and confer groups) or when acting on behalf of the employee bargaining unit or non-bargaining unit association;
  - iv. Members of a School Board Advisory Committee established by Charter and Policy, when such members are acting on behalf of or as part of the School Board Advisory Committee;
  - v. Any School District employee or independent contractor, when such employee or independent contractor is acting within the course and scope of his/her employment or engagement in carrying out his/her public duty;
  - vi. Any public official, employee, or appointee of a governmental agency acting only in his/her official capacity;
  - vii. Any person addressing the School Board, School District staff, or School Board Advisory Committee at a publicly noticed meeting;
  - viii. An attorney or personal representative representing a client in a quasi-judicial proceeding; administrative proceeding conducted pursuant to Chapter 120, Florida Statutes; or any other formal hearing before the School Board or authorized committee. Nothing in this policy shall be construed to permit an attorney or personal representative to engage in ex-parte communications with School Board members in violation of section 120.66, Florida Statutes or to engage in lobbying during the Cone of Silence in violation of Policy 6.14;
  - ix. A member of the public who submits comments or suggestions to the School District help-desk system that opens "Constituency Tickets";
  - x. A confidential informant who provides or seeks to provide confidential information to be used for law enforcement purpose;
  - xi. A person who provides or seeks to provide information regarding fraud, waste, abuse and illegal acts to the School District Inspector General.

### 3. Registration

- a. All Lobbyists shall register with the School Board Clerk prior to engaging in any lobbying activities. The Lobbyist is required to submit a separate registration form ([PBSD 2572](#)) for each Client represented.

- b. The Lobbyist shall state on the registration form under oath:
  - i. The Lobbyist's name, business address, and phone number;
  - ii. The Client name, business address, and phone number;
  - iii. The extent of any business, financial, familial or professional relationship, or other relationship with any current Member of the School Board, Member of a School Board Advisory Committee, Superintendent of Schools, a School District Chief or employee of the Purchasing Department.
- c. Each registration form shall be signed by the Lobbyist and the Client or the Client's duly authorized representative, stating that the Lobbyist is authorized to represent the Client.
- d. All registrations expire on June 30<sup>th</sup> of the year following the initial registration and must be renewed annually thereafter on or before July 1.
- e. The Lobbyist and/or Client shall file a Notice of Withdrawal form ([PBSB 2573](#)) with the School Board Clerk within ten (10) days of the termination of the Lobbyist's authority to represent a particular Client.
- f. The School Board Clerk shall make all Registration Forms, and Notices of Withdrawals available for public inspection upon request in accordance with section 119.07, Florida Statutes. In addition, the School Board Clerk shall make the names of all registered Lobbyists available online.

#### 4. Lobbying Expenditures

- a. Lobbyists shall not knowingly provide to School Board Members or their relatives, as defined in section 112.312(21) Florida Statutes, either directly or indirectly, any gift with a value in excess of fifty dollars (\$50.00). The term "gift" has the same meaning as in section 112.312(12), Florida Statutes.
- b. On or before August 1<sup>st</sup> of each year, Lobbyists shall submit to the School Board Clerk an Expenditure Report under oath listing all expenditures made by the Lobbyist in lobbying Members of the School Board, Members of a School Board Advisory Committees, Superintendent of Schools, a School District Chief or employee of the Purchasing Department in excess of twenty-five dollars (\$25.00) for the preceding fiscal year commencing on July 1 and ending on June 30. A statement shall be filed even if there have been no expenditures during the reporting period. A separate statement shall be filed for each client represented. The statement shall list in detail each expenditure by category, including but not limited to, food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging, and special events.
- c. Each Lobbyist has a continuing duty to supply accurate information and amend expenditure reports, when necessary.

#### 5. Record of Lobbying Contact

- a. All Lobbyists who visit the School District Fulton-Holland Building, for the purpose of lobbying must indicate when signing in at the lobby the purpose of their visit. The Lobbyist shall provide his/her name, the name of the client for whom the Lobbyist is lobbying, the subject matter of the lobbying effort, and the person lobbied.
- b. If a Lobbyist engages in lobbying outside of the School District's Fulton-Holland Building, the Lobbyist must notify the School Board Clerk in writing of each instance of lobbying relating to a matter prior to the date the matter comes before the School Board or the Advisory Committee for consideration or within thirty (30) days after the lobbying occurs, whichever period is sooner. The notification to the School Board Clerk must state the name of the Client for whom the Lobbyist is lobbying, the subject matter of the lobbying effort, and the person lobbied.
- c. All logs and written notices of lobbying conduct submitted to the School Board Clerk shall be maintained by the School Board Clerk for the longer of: five years after the Lobbyist's representation of a Client terminates or the period required by the Palm Beach County School District's Records Retention Schedule compiled from the State of Florida General Records Schedules and District-specific record series and approved by the Florida Department of State (available at: <http://www.palmbeachschools.org/records/documents/RecordsRetentionSchedule.pdf>), which may be amended from time to time.

d. Prior to voting on an item presented to the School Board or an Advisory Committee for consideration, each Member of the School Board and Member of an Advisory Committee must disclose publicly if he or she has been lobbied on such item. Such disclosure shall be recorded in the meeting minutes.

**6. Prohibited Activities**

a. All Members of the School Board, Members of School Board Advisory Committees, the Superintendent of Schools, a School District Chief or employee of the Purchasing Department shall make every effort to determine whether persons required to register have complied with the registration requirements set forth herein. Members of the School Board, Members of School Board Advisory Committees, the Superintendent of Schools, a School District Chief or employee of the Purchasing Department may not knowingly permit a person who is not registered to engage in lobbying activities.

b. A Lobbyist may not knowingly make, or cause to be made, a false statement or misrepresentation relating to his/her registration or when lobbying Members of the School Board, Members of School Board Advisory Committees, the Superintendent of Schools, a School District Chief or employee of the Purchasing Department.

c. Each School Board Member, School Board Advisory Committee Member, and School District employee is prohibited from acting as a Lobbyist for two (2) years after his/her employment, term of office, or committee term has ended.

d. A person or employee, agent, representative, officer, or director of a firm, partnership, company, or other entity submitting or intending to submit a written sealed bid, response, or reply to a competitive solicitation is prohibited from lobbying any District personnel, School Board member, or person selected to evaluate or recommend contract award during the "Cone of Silence", as defined in Policy 6.14.

**7. Investigations**

The School District's Inspector General is authorized to investigate alleged violations of this Policy and to recommend penalties to the School Board.

**8. Penalties**

Violations of this Policy shall be punishable as follows after notice and opportunity to be heard:

a. If a Lobbyist or Client is found to have violated this Policy, the School Board may vote to reprimand, suspend, or prohibit the violator from engaging in lobbying activities for a period of up to three (3) years from the date of determination of the violation based upon the following schedule:

- 1<sup>st</sup> violation: for a period of up to ninety (90) days from the date of determination of a violation;
- 2<sup>nd</sup> violation during a 12 month period: for a period of up to one (1) year from the date of determination of a violation;
- 3<sup>rd</sup> violation during a 12 month period: for a period of up to three (3) years from the date of determination of a violation.

b. Notwithstanding the foregoing schedule, the School Board may refer allegations of violations of this Policy to the Florida Commission on Ethics, the Palm Beach County State's Attorney, or other authority having jurisdiction to evaluate the matter;

c. If the Lobbyist or Client is found to have engaged in lobbying relating to a competitive solicitation process or award of contract with the School Board, the Principal may be deemed by the Director of Purchasing to be non-responsible and/or ineligible for award of the contract. If the violation is discovered after the contract is awarded, such contract shall be deemed voidable. Repeated and/or egregious violations may result in suspension or debarment of the Client.

STATUTORY AUTHORITY:	Fla. Stat. §§ 1001.41(1), (2) & (5); 1001.42(15) & (28); 1001.43(10)
LAWS IMPLEMENTED:	Fla. Stat. §§ 1001.41(1), (2) & (5); 1001.42(15) & (28); 1001.43(10)
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