Florida Association of District School Superintendents

Ethics Training Manual

October 2026

Training Description:

This training will provide background and information regarding Florida's ethics laws sufficient to satisfy the requirements pursuant to section 112.3142, Florida Statutes. This training provides four (4) hours of ethics training that addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the Government-in-the-Sunshine provisions in Chapters 119 and 286 of the Florida Statutes relating to public records laws and public meeting laws.

Instructors:

Brian Moore, General Counsel
Florida Association of District School Superintendents

Ellen Odom, General Counsel
Escambia County School Board

Amy D. Envall, Senior Counsel
Sniffen & Harmon, P.A.
(Indian River County School Board)

David Koperski, School Board Attorney
Pinellas County School Board

John Palmerini, General Counsel
Orange County School Board

Ethics Training

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Ethics Training

Disclaimer

Nothing in this document, training materials, or presentation is designed to render a specific legal opinion or other professional opinion. Due to the rapidly changing nature of the law, information contained in this training program may become outdated. The analysis of any ethics issue is fact- based, and therefore a proper legal opinion may only be rendered after careful analysis of specific factual circumstances. As a result, any individual using this document and training materials as a reference should always research original sources of authority and update information to ensure accuracy when dealing with a specific problem or issue, or consult legal counsel to render a specific opinion as to a specific issue. In addition, applicable rules and opinions of the Florida Commission on Ethics and School Board Policies should be reviewed. In no event will the authors or presenters be liable as a result of the use of these materials or participation in the training. This document and training materials are not exhaustive of all issues or cases that may impact an ethics issue.

Why Are We Here Today?

- It's Constitutional - Article II, Section 8, Florida Constitution
- The Legislature Requires It – Section 112.3142, Florida Statutes
- The Legislature Established Standards of Conduct for Public Officers – Section 112.313, Florida Statutes

Ethics Training Requirement

- The Statute Requires It – Section 112.3142, Florida Statutes
- The Administrative Rule Explains It – Rule 34-7.025, F.A.C.
- You Are an Outgoing Elected Officer? - CEO 15-05 - June 10, 2015

Other Ethics Training Options

- Commission on Ethics: Training Opportunities Page
- Commission on Ethics: Training Requirements Page

Other Ethics Manuals and Outlines

- Commission on Ethics: Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees (2026)
- Commission on Ethics: Ethics Outline (March 2024)

Public Records

Why do I care about public records?

- It's a "***right***" ….no, seriously.
  - Maybe not in some places but in Florida, definitely.
    - Florida Constitution – Article I -- "Declaration of Rights"
    - Article I, Section 24 -- "Access to Public Records and Meetings"
- And it's ***"the law."***
  - Chapter 119, Florida Statutes -- "Public Records"

What is a public record?

- For most public employees, if you receive it, send it, or create it while doing your job…. It is a public record. We will distinguish education records (FERPA) as we continue the discussion.
  - Includes papers and electronic information ("data")
  - Includes drafts
    - If you share it with others for review or comment or use it to form policy or procedure… still a public record.
  - Can include personal notes
    - If they have been shared with others, retain.
    - When you "keep 'em in the file…. just in case"…, be cautious. Have they been used to help formalize or perpetuate knowledge? If yes, then retain as public records.
    - Note that they are not public records when designed solely for your own personal use in remembering certain things.
  - ***If it's about work,*** it doesn't matter how or where you send it or receive it.
    - Facebook, X (fka Twitter), Instagram, Email, Text, personal message/direct message… still a public record
    - Receive in your home mailbox or on your personal phone… still a public record

What do I have to do with public records?

- Think before you shred!
  - You can only destroy public records when the State says you can. Check your school district's written Records Retention Schedule and be mindful of the State's record retention schedules, which include sections both for general government (GS1-SL) and for records specific to public schools (GS7).
- You can't hide public records in someone else's files.
  - Even contractors can have public records, unless an exemption exists
- They can either look through your files or ask for copies…their choice.
  - Unless the law says ***specifically*** you don't have to…
    - Either "exempt" or "confidential"
    - If exempt or confidential, you have to cite the specific section of law that permits the record to be withheld
    - And don't assume you know…
      - Social Security Number …. Confidential and exempt
      - Driver's License Number … ***NOT*** exempt

What happens if I don't follow the law?

- You can get in trouble.
  - Criminal
  - Civil, which can include a public agency paying hefty attorney's fees
  - Employment – your oath and/or employment agreements require you to uphold the constitution and the laws of the State of Florida

Public Records Requests

"DO's" AND "DON'T's"

For Front-Line Employees When Faced with An In-Person Public Records Request

DO	DON'T
Do acknowledge that a public records request has been made	**Don't** make any statement indicating that the request will be granted or denied.
Do inform the Requester that you are not the custodian of records.	**Don't** state or suggest that you are the custodian of records.
Do identify the records custodian and provide his/her contact information	**Don't** insist that the Requester identify him/herself.
Do ask for a clear description of the records the Requester seeks. Write down the description.	**Don't** insist that the Requester make their request in writing.
Do ask how the Requester would like to be contacted regarding his/her request.	**Don't** ask why the Requester wants the records.
Do transmit your notes regarding the request to the designated records custodian.	**Don't** offer any information regarding the existence or nature of the records.
Do remain calm and polite.	**Don't panic!** **Don't allow yourself to be bullied.**

Public Records Requests ("PRRs") – Reminders

1. **We cannot ask who is making the request.**
   - ♦ Don't ask for ID or name
   - ♦ Persons only coming to the front desk of a site to make a PRR, and not to visit the site, do not need to show ID or be run through background screening
   - ♦ Can be anonymous

2. **We cannot ask why they are making the request.**

3. **We cannot require that the request be made in writing.**
   - ♦ Can be verbal

4. **We cannot require that the request be made in person.**
   - ♦ Can be made in person, by phone, by email, by fax, etc.

5. **We cannot require that the request be made to a certain office.**
   - ♦ Each site must legally receive PRRs, even though other District offices may assist the site with the response

6. **We must provide the records in a "reasonable" amount of time.**
   - ♦ Amount of time will vary depending upon the exact request – for example, a PRR for the School Improvement Plan (SIP) could be handled that day

7. **We should charge 15 cents per page for any hard copies requested and made.**
   - ♦ Can waive this cost for very short documents

8. **We should charge staff time if the request takes more than 15 minutes to complete.**
   - ♦ Actual hourly rate, including fringe, of the lowest paid employee who can do the work
   - ♦ A deposit, based on the estimated costs to fulfill the request, can be requested up front, and there is no obligation to work on the request until the deposit has been paid

9. **We should direct any person to stop audio and/or video recording.**
   - ♦ No right to record on school grounds, except possibly Individualized Education Plan (IEP/504) meetings and School Advisory Council (SAC) meetings

10. **Call Legal Department at _____ for assistance.**

Public Records – How to React When You Get an "In-Person" Public Records Request (for All "Front Line" Personnel)

Under Florida's broad Public Records Act ("the PRA"), any person can request access to or copies of public records in the custody of a school district ("the District"), as well as other state or local government agencies and contractors either acting on behalf of or having custody of government records. Most such requests will be submitted in writing. It is strongly recommended that every District have one person who serves as the designated records custodian ("the Designated Custodian") for the District, regardless of who has physical custody of materials. When a written PRA request is received, it should be transmitted to the Designated Custodian for processing and coordination with those District employees who may have physical custody of the materials requested. The Designated Custodian need not be an individual but could, instead, be a specific position or office.

On occasion, however, someone will visit a District office or facility and make a public records request in person.

The individual making such request ("the Requester") will sometimes ask to immediately inspect and/or photograph documents or other materials, frequently materials that are physically maintained at the same location where the request is being made (e.g., a request made at the Transportation Department to see the latest maintenance log for a specific bus). Alternatively, the Requester may ask that materials be emailed to him or her. The inference – whether intentional or not – is that the employee to whom the request is made ("the Employee") has a legal obligation to allow such access or photography or even to email materials to the Requester.

In virtually every instance, no such obligation exists. In most instances, the in-person request will not be made directly to the Designated Custodian but, instead, will be made to a district employee ("Employee") whose workplace is easily accessible to a member of the public. The Employee may also be selected by the Requester because the Requester believes that the Employee's workstation is in close proximity to the records being requested. For example, a receptionist might be asked for a copy of the visitors' log or an administrative assistant might be asked for the calendar of a superintendent or District administrator. In those instances, the Employee must clearly state that he or she is not the Designated Custodian of records but that a copy of the requested records can be obtained through the District's records request process.

It is equally important that the Employee not inadvertently make statements suggesting that the District will not comply with the PRA.

The tips below are intended to provide guidance to those Employees who are not a Designated Custodian, but to whom such in-person requests are frequently directed. The suggested responses in quotes below are provided to illustrate that the statements made to a Requester should be simple and straightforward but should not imply either that the PRA request is being denied or how and when the requested materials will be made available. If the Requester presses for an answer on those issues, the Employee should consistently reply that the Designated Custodian will respond to the request.

#1 Don't panic.

Most people making public records requests have a legitimate reason for wanting to see or obtain copies of specific materials. However, some Requesters may simply be attempting to test the District's compliance with the PRA or even to harass the District. Nonetheless, such Requesters are entitled to access to public records to the same extent as are those with a real need for the materials sought.

While the PRA is very broad, access to all District documents and other materials is not completely unrestricted. Some materials are not public record. Some fall under one or more of the numerous exceptions to the requirement that records be accessible to the public, such as student education records or safety plans. Even when material is a public record and is not subject to an exemption, the nature of the request being made often requires the Requester to reimburse certain costs incurred by the District and/or requires that the Designated Custodian make special arrangements for providing access to the materials.

In short, each public records request must be carefully considered so that the District response fully complies with applicable law. This is the role of the Designated Custodian, sometimes in consultation with the District's attorney or other District personnel who are knowledgeable about the materials and the PRA.

#2 Tell the Requester that you are not the records custodian.

I am not the custodian of any of the public records of the District. [Name of Designated Custodian] has been designated as the custodian of all public records of the District.

The PRA imposes responsibilities on the custodian of public records, including the responsibility to provide access to or copies of public records (unless there is a specific statutory exemption). However, not every employee of the District is a custodian. In fact, each District should designate a specific person, position, or office to act as the Designated Custodian, with all public records requests – whether received in writing or orally – transmitted to that person, position, or office for processing.

The Employee who receives an oral public records request ***is*** required to identify the Designated Custodian. Again, the Designated Custodian need not be an individual but could, instead, be a specific position or office.

Even documents or materials that are in close physical proximity to the Employee's workstation are not officially in his/her custody. For example, a visitor's sign-in log may be positioned on a ledge on the receptionist's desk. Nonetheless, the receptionist is not the custodian of the sign-in log.

#3 Acknowledge receipt of the public records request, but offer no specific indication of whether, how, or when the records will be made available.

I understand that you are making a public records request. The District's Designated Custodian will respond to your request.

The PRA requires prompt acknowledgement that a public records request has been received. This acknowledgement need not be in writing, although the District is advised to provide written acknowledgement within a few days of receiving the request. The Employee need merely state his/her understanding that a public records request is being made.

The District has an obligation to permit access to or copies of public records as follows:

1) at a reasonable time;
2) under reasonable conditions; and
3) under the supervision of the Designated Custodian or the Designated Custodian's designee.

Depending on the nature of the materials requested, the time and conditions for granting the requests that are reasonable and the need for supervision will vary greatly. The Employee should offer no opinion regarding any of these factors. Instead, the Designated Custodian – or other District personnel with whom the custodian consults or designates – will respond to the Requester regarding the time and conditions for providing access.

#4 Get a written description of the materials are being requested.

Please provide a written description of the materials you are requesting. If you prefer not to make your request in writing, please state your request again, so that I can write it down to make sure the Designated Custodian of public records receives an accurate description of your request. [Then read your description of the request back to the Requester].

A person making a public records request is not required to submit the request in writing. In order to properly respond to the request, however, the Designated Custodian needs to know how the Requester characterizes the materials sought. There may be instances when the description is vague or extremely broad. There may even be occasions when the Employee is relatively certain that no such materials exist. However, the Employee should refrain from offering that information or giving any response regarding the nature of the materials requested. Instead, the Employee should simply make certain that he/she accurately records what the Requester has asked for. The Designated Custodian or a person appointed by the Designated Custodian should be the one to follow-up with the Requester further regarding the substance and scope of the request.

#5 Ask how the Requester would like to be contacted with the District's response to the request.

You can contact [the Designated Custodian] at [telephone number or email address]to inquire about the status of your request or, if you prefer, you can leave your contact information and he/she will contact you.

A Requester is not required to identify his/herself, nor is the Requester required to provide any contact information. If a Requester declines to give his/her name or any contact information, the Employee should provide the telephone number, email address, or some other method for the Requester to contact the Designated Custodian for follow-up on the status of the request.

#6 Don't offer any information regarding the materials sought or the manner in which the District will respond to the request.

SILENCE

or

I'm not the Designated Custodian and, therefore, I can't provide you with any information regarding the (existence or nature or volume or format, etc.) of the materials you are seeking. However, the (Designated Custodian) will be able to help you.

The manner in which the District responds to a public records request varies depending upon what is being requested and the manner in which the Requester seeks access. Because there can be so much variation in the appropriate response that must be given, that analysis and decision must be made by the Designated Custodian, sometimes in consultation with legal counsel or others employed by the District.

#7 Don't be bullied into submission.

I have noted your public records request in writing and will forward it to the Designated Custodian. Any further communication regarding your request will need to be directed to [the Designated Custodian].

Most Requesters will be satisfied with the responses suggested above. However, some Requesters may either insinuate or even insist that the Employee is required to allow the Requester to immediately inspect or even photograph the materials being requested. While the District may ultimately provide such access, the Employee should not make that decision. Nor should the Employee get into a debate with the Requester or feel compelled to respond to questions after informing the Requester that the Designated Custodian will provide the responses. Instead, merely react in a manner consistent with the suggestions above.

Promptly forward your notes regarding the request to the Designated Custodian.

Elections and Financial Disclosure

Elections

- Resign to Run – Section 99.012, Florida Statutes – Restrictions on individuals qualifying for public office
- Sunshine law applies upon election, not taking office – Section 286.0111, Florida Statutes

Financial Disclosure – Applicable Statutes

- Full and public disclosure of financial interests – Section 112.3144, Florida Statutes
- Possible Fines and Penalties – Section 112.3145, Florida Statutes – Disclosure of financial interests and clients represented before agencies

Overview of the Disclosure Forms

- Commission on Ethics – Comprehensive Financial Disclosure List of Forms
- Filing Information - Comprehensive Filing Information
- **Form 1 - 2025 –** Statement of Financial Interests (link takes you to the login screen for electronic filing, which includes a "how to" video)
- **Form 1 Instructions**
- **Form 1F - 2026** (for those leaving office during 2025)
- **Form 1F Instructions**
- **Form 6 - 2025 –** Full and Public Disclosure of Financial Interests (link takes you to the login screen for electronic filing, which includes a "how to" video)
- **Form 6 Instructions**
- **Form 6F - 2026** (for those leaving office during 2026)
- **Form 6F Instructions**

Seven Things to Know About Financial Disclosure

1. The due date for filing Form 1 and Form 6 is July 1, but there is a grace period effective until September 1, after which automatic fines of $25.00 per day begin to accrue.

2. The original, signed disclosure form must be filed – scanned or faxed versions are not acceptable. Form 1 and Form 6 filers are required to submit their form electronically with the Florida Commission on Ethics.

3. Form 1 filers must use the "comparative (percentage) threshold" to calculate their reportable interests.

4. If a CPA or attorney prepares and signs the disclosure form, the filer may be protected from a violation if a complaint is filed and it is determined that the CPA or attorney failed to accurately transcribe information provided by the filer.

5. Unlike newly-appointed or newly-employed Form 1 filers, there is no requirement that newly appointed Form 6 filers file within thirty (30) days of appointment.

6. If you file a Form 1 or Form 6 and then file an amended Form 1X or Form 6X prior to September 1, the amended form is considered the original filing even if a complaint is filed.

7. If you receive an automatic fine for not timely filing your Form 1 or Form 6, the Commission may take action to collect the fine during the twenty (20) years after it becomes final.

Gifts – Selected Statutes/Forms

Reporting and Prohibiting the Receipt of Certain Gifts

- **Section 112.3148, Florida Statutes** - Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees

Solicitation and Disclosure of Honoraria

- **Section 112.3149, Florida Statutes** - Solicitation and disclosure of honoraria

Prohibition on Gifts Involving Political Committees

- **Section 112.31485, Florida Statutes** - Prohibition on gifts involving political committees

Further Limitations for School Board Members

- **Section 1001.421, Florida Statutes** - Gifts

Possible Fines and Penalties

- **Section 112.317, Florida Statutes** - Penalties
- **Section 112.3173, Florida Statutes** – Possible Forfeiture of Retirement Benefits

Disclosure Forms

- Statutory Reference: **Section 112.3147, Florida Statutes** - Forms
- All Forms can be found on the Commission on Ethics' website at https://ethics.state.fl.us/
- **Form 9** – Quarterly Gift Disclosure (Gifts over $100)
- **Form 10** - Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses
- **Form 30** – Donor's Quarterly Gift Disclosure (for Lobbyists)

Commission on Ethics - Regulations

- **Chapter 34-13, Florida Administrative Code** – Gifts and Honoraria - Chapter 34-13, F.A.C.

Selected Gift Law Rules for Public School Employees & Board Members

Short Summary of Rules

1. *All* – Cannot promise your action in exchange for a gift[1] from anyone of any value.

2. *All* – Cannot accept a gift from anyone of any value when you know or, with the exercise of reasonable care, should know that it is given to influence your action, even if it does not, if fact, influence you.

3. *RIPEs*[2] – Cannot accept a gift over $100 from a vendor[3] or a lobbyist[4] ("V/L").

4. *RIPEs* – Cannot solicit a gift of any value from a V/L.

5. *RIPEs* – Cannot accept or solicit a gift of any value from a political committee[5] ("PC").

6. *RIPEs* – Must file quarterly gift reports for gifts over $100 from non-V/L/PC donors[6] and annual gift reports for gifts over $100 from other specific donors.

7. *RIPEs* – Cannot solicit or accept an honorarium[7] in some cases; but, reasonable and actual expenses of attendance are allowed. They must be reported if paid by a V/L/PC.

8. ***School board members only* – Cannot accept or solicit a gift over $50 from a vendor or a person/entity seeking to become a vendor.**

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[1] "Gift" is generally defined to include anything given or sold to you for which equal consideration is not given in return and includes but is not limited to food, tickets, payment of dues, use of real estate, travel expenses, and clothing; it does *not* include items such as gifts from relatives, honoraria and expenses relating to honorarium events, and plaques given for public service. See s. 112.312(12), F.S. Can "pay down" gifts to a desired threshold level, such as paying $40 for a $140 ticket, thus making the "gift" a value of $100. "Gifts" must be of a personal benefit to you, so a district vendor you see at a conference that gives you five iPads for classroom use is not a violation of the law – it is not your gift, it is the district's gift.

[2] "RIPEs" are "reporting individuals" and "procurement employees," as further explained in 3. below.

[3] "Vendor" is any business entity doing business directly with an agency, such as renting, leasing, or selling any goods, or services. See s. 112.3148(2)(f), F.S. There is no definition of "vendor" in s. 1001.421 (see #8.), but the cited definition likely applies.

[4] "Lobbyist" is any person who, for compensation, seeks or sought during the 12 months prior to the gift to (1) influence the governmental decision making of the official or the agency itself, or (2) encourage the passage, defeat, or modification of any proposal or recommendation by the official or the agency itself. See s. 112.3148(2)(b), F.S.

[5] "Political committee" is generally a person or group that collects and/or expends more than $500 per year to support or oppose a political candidate or electoral question, but specifically excludes national political parties, the state and county executive committees of such political parties, and affiliated party committees. See ss. 112.3148(4) and 106.011(16), F.S.

[6] V/L/PCs are excluded -- you would not file a report in this instance since you cannot even take gifts in this amount from them.

[7] "Honorarium" is a payment of money or anything of value, directly or indirectly, to a RIPE, or to any person on their behalf, as consideration for a speech, presentation, writing, or similar task; RIPEs can accept "actual and reasonable expenses" of attending the event (airfare, lodging, meals, etc.).

Detailed Discussion of Each Rule

1. All – Gifts from Anyone of Any Value – True Bribe/Bad Motive – Section 112.313(2), F.S.

Under this law, no public employee or board member may *solicit* or *accept* a gift *from anyone* of *any value* based upon any understanding that such was given to influence the judgment or action of the recipient.

This law covers the true corruption that occurs when a person actually colludes with a donor to accept a gift with both parties understanding that the gift will influence action. There is no dollar limit to the gift, so a violation of the law would occur if you accepted a free sandwich in exchange for a certain action on an issue. In addition, there is no restriction on the identity of the donor, such as from a vendor or lobbyist, so a violation would occur if you sell your influence to anyone, not just to a vendor or a lobbyist. Lastly, the gift need not be received by you personally, so a violation would occur, for example, if you promise your influence in exchange for a donation to your spouse's political campaign.

2. All – Gifts from Anyone of Any Value – "Knew or Should Have Known" – Section 112.313(4), F.S.

Under this law, no public employee or board member, nor their spouse or minor child, may *solicit* or *accept* a gift *from anyone* of *any value* when the person knows or, with the exercise of reasonable care, should know that the gift is given to influence an action.

This law covers the scenario when a public official does not necessarily have a bad motive, but took a gift that a reasonable person would know was given in order to influence a vote or action. For example, in prior cases, it was held that officials "should have known" that the following gifts were given to influence their vote or action: an all-expenses paid hunting trip to Key West, free personal cable television service from a city's cable franchisee, and free memberships from a country club leasing its facilities from a city; however, the following scenarios were held *not* to violate this provision: a fair market value residential rental to a public official, and a public official receiving donations for his ill son's care where the donations were anonymous (it was not reasonable for the official to assume it was given to influence judgment when he did not even know who gave it and, thus, would be hard pressed to know who to favor in his actions).

Note that here, as in 1. above, there is no dollar limit or restriction on who makes the gift. So, you should always ask yourself: "Would a reasonable person think that the gift is given in order to influence me in my official capacity?" If the answer is yes, then you should not take the gift. As a practical matter, gifts from vendors, potential vendors, lobbyists, and those who only know you in your official capacity should likely be assumed to be given to influence your action and not accepted. Also, in other settings, large gifts are more reasonably likely to be given to influence your action than small gifts.. These common sense guidelines are evident in agency and court rulings: reported violations of this law usually involve larger gifts from lobbyists or vendors.

3. RIPEs – Acceptance of Gifts from V/Ls – Cannot exceed $100 – Section 112.3148(4), F.S.

Certain laws apply only to "reporting individuals" and "procurement employees," known collectively as RIPEs. See 3.-7. herein. Board members, superintendents, and certain other employees are "reporting individuals" since they must file a financial disclosure form with the state, either Form 1 (Statement of Financial Interests) or Form 6 (Full and Public Disclosure of Financial Interests). "Procurement employees" are only those state-level employees who have certain purchasing powers. Thus, local school districts do not have "procurement employees" as used in these laws, *but* those school district employees who possess the authority to make purchases >$35k are "reporting individuals." See s. 112.3145(1)(a)3., F.S.

Under this law, no public employee or board member, nor any other person on their behalf, may *accept* gifts in excess of $100 in value from any vendor or lobbyist. If the gift is from someone not a V/L, then the value could exceed $100, but recall that under 1. and 2. above, the person cannot accept any gift from anyone of *any* value if it was a true bribe or you knew or should have known it was given to influence your vote or action. Detailed rules exist regarding the calculation of the $100 threshold, such as separate meals re-starting a new $100 calculation, and tickets in a skybox including both the price of admission to the game and the proportionate cost of the annual skybox fee. Specific questions about valuation should be directed to your attorney and/or the Commission on Ethics (www.ethics.state.fl.us). See also Rules 34-13.500 and 13-510, F.A.C., for detailed gift valuation rules.

4. RIPEs – No Solicitation of Gifts of Any Value from V/Ls – Section 112.3148(3), F.S.

Under this law, RIPEs cannot *solicit* any gift of *any value* from any vendor or lobbyist. Note that this law only applies to soliciting, or asking for, gifts. Also note that this prohibition precludes one RIPE from soliciting a gift for the benefit of other RIPEs but does not preclude a non-RIPE from making a solicitation. For example, the law would not prohibit a FASA clerk (as opposed to an officer, who may be a RIPE) from soliciting lobbyists to pay for the cost of principals' meals at an FASA conference. Whether the principals can *accept* the meals is a question to be addressed under 3. above, but meals included as part of a conference are not gifts if they are paid for by the registration fee; if the meal was not part of the registration fee, then the rules under 3. above would need to be applied to the acceptance of the meal. But, for purposes of this law, the principals did not solicit the food in this hypothetical, FASA did.

5. RIPEs – No Acceptance or Solicitation of Gifts of Any Value from PCs – Section 112.31485, F.S.

Under this law, neither RIPEs, nor their immediate family[8], can *solicit* or *accept* any gift of *any value* from a PC. Just for this law, the term "gift" is further defined to mean those items of value that are "not primarily related to contributions, expenditures, or other political activities authorized pursuant to Chapter 106," which is the chapter of Florida Statutes relating to campaign finance; this amended definition thus allows PCs to make campaign contributions otherwise allowed by law, and such contributions will not be considered unlawful gifts.

[8] "Immediate family" is limited to your parent, spouse, child, or sibling. See s. 112.31485(1)(b), F.S.

6. RIPEs – Reporting Requirements – $100 Trigger

RIPEs must file quarterly gift disclosure reports with the Commission on Ethics listing all gifts valued in excess of $100, which obviously would be from someone other than a V/L or a PC since RIPEs cannot even accept gifts from V/Ls over $100 or PCs of any value. Gifts from relatives and some other technical gifts not at issue here are exempted from this reporting requirement. See s. 112.3148(8), F.S. and Form 9.

In addition, RIPEs must file annual gift disclosure reports with the Commission on Ethics listing all gifts valued in excess of $100 received from a governmental entity or a direct support organization specifically authorized by law to support a governmental entity. See s. 112.3148(6)(d), F.S. and Form 10.

For your information, certain donors also have a reporting requirement and it is triggered at a lower dollar figure than a RIPE's requirement. V/Ls must file quarterly gift disclosure reports with the Commission on Ethics listing all gifts to RIPEs valued over $25, but not over $100. This restriction stops at $100 because another law prohibits V/Ls from even giving a gift of over $100 to a RIPE, which corresponds to your prohibition against taking it. See s. 112.3148(5)(b), F.S.

In addition, a corresponding annual reporting requirement exists for donors of more than $100 who are a governmental entity, or a direct support organization specifically authorized by law to support a governmental entity. Again, this corresponds to your prohibition against taking gifts over $100 from such organizations. See s. 112.3148(6)(c), F.S.

7. RIPEs – Honoraria – Section 112.3149, F.S.

Honoraria are excluded from the definition of "gift" such that the rules above do not apply to honoraria. Thus, a separate statute was needed to define the circumstances under which honoraria could or could not be solicited or accepted. As noted in footnote 7, "honorarium" is defined as a payment of money or anything of value, directly or indirectly, to a RIPE, or to any person on their behalf, as consideration for a speech, address, etc.

Under this law, RIPEs cannot *solicit* an honorarium *from anyone* of *any value* ***if*** the subject of the speech, presentation, etc. relates to the RIPE's public office or duties. Further, a RIPE cannot *accept* an honorarium from a V/L/PC of *any value*; such entities are also prohibited from providing such honoraria. However, payment for reasonable and actual expenses for attending the event where the speech or presentation is given is not an "honorarium" and not prohibited by this law, even if paid by a V/L/PC, but it must be reported by the RIPE if paid by a V/L/PC (no minimum dollar threshold for this reporting requirement, which is on Form 10). But, payment of actual expenses may be prohibited by other ethics rules, such as 1. or 2. above, since these expenses are not "honoraria" and thus could be prohibited "gifts."

8. School board members only – Gifts Over $50 from Vendors/Potential Vendors to school board members – Section 1001.421, F.S.

In 2011, the Legislature passed this law specifically relating to gifts to school board members. It further restricts their pre-2011 obligation as a RIPE to not solicit or accept gifts from vendors and

lobbyists. In short, it prohibits board members and their relatives[9] from, directly or indirectly, *soliciting* a gift of *any value* or *accepting* any gift in excess of $50 from any person or entity that is either (1) doing business with the district or (2) seeking to do business with the district. See s. 1001.421, F.S. There are no reporting requirements under this law, because a school board member's existing reporting obligation as a RIPE discussed in 6. above only begins with gifts that exceed $100 (which obviously cannot come from vendors but could still come from certain others).

Five Things to Know about Gifts

1. Always remember there is a special gift law rule just for school board members. This rule prohibits board members and their relatives from directly or indirectly *soliciting* a gift of *any value* or *accepting* any gift in excess of $50 from any person or entity that is either (1) doing business with the district or (2) seeking to do business with the district. See s. 1001.421, F.S.

2. A gift is anything you don't pay for within ninety (90) days. This includes food, beverages, prizes, and overnight stays at someone's house.

3. If a gift is prohibited, reporting it won't "cure" the violation. Reporting Individuals or Procurement Employees (RIPEs) are ***prohibited*** from accepting gifts worth more than $100 from lobbyists or their firms, partners, employers, or principals, or from vendors!

4. If a gift is not prohibited, and it is worth more than $100, a RIPE must report it on a Form 9 no later than the end of the quarter following the quarter in which he or she received the gift.

5. You can always accept a gift, in any amount, from a relative, other household members, your employer, or professional organizations, and you don't have to report it. However, as you would with any gift from a friend, you still want to determine whether the gift is coming from someone who does business with your school district.

[9] Relative" includes your 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 grandparent, step grandchild, step great grandchild, fiancée, someone who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other natural person having the same legal residence as you. See s. 112.312(21), F.S.

Procurement
How to Buy What You Need Without Ending Up in Jail

I. Procurement Basics/Legal Authority

A. Underlying statutes:
1. Chapter 255, Florida Statutes - Generally applicable statutes relating to public works.
2. Section 1001.41, Florida Statutes – Authority to contract.
3. Section 1001.42, Florida Statutes – Powers and duties of district school board.
4. Chapter 1013, Part III, Subpart C, Florida Statutes – Contracts for educational facilities.
5. Section 287.055, Florida Statutes - Certain professional services.

B. Underlying rules:
1. Fla. Admin. Code. R. 6A-1.013 (SBE rule/pooled purchasing) (Section 1010.04, Florida Statutes)
2. Fla. Admin. Code R. 60A-1 (DMS rules) (required by Section 1001.42(12)(j), Florida Statutes)
3. School board rules/policies

II. Procurement Options

A. Basic formats
1. ITB – Invitation to Bid
2. RFP – Request for Proposal
3. ITN – Invitation to Negotiate
4. CCNA – Consultants Competitive Negotiation Act

B. Exceptional purchases/competitive solicitation not required
1. Certain non-CCNA professional services. Fla. Admin. Code R. 6A-1.012(11)(a).
2. Educational services and copyrighted materials. Fla. Admin. Code R. 6A-1.012(11)(b).
3. Less than two (2) competitive bids received.
4. Single source
5. Emergency purchases
6. State or federal law prescribing with whom district must contract
7. Utilities and other government franchised services
8. Insurance, risk management, third party administrators (direct negotiation option)

C. Alternative procurement vehicles
1. Pooled purchasing
2. State term contracts
3. Cooperative purchasing with other districts
4. Other cooperative purchasing

D. Ethical screen

III. Procurement Protests

A. Decision must be posted electronically. Must include "point of entry" language

B. Process is generally same as for state agencies: Section 120.57(3), Florida Statutes
   1. Notice of protest filed within seventy-two (72) business hours. Procurement specifications generally identify where the notice should be filed.
   2. Formal written protest filed within ten (10) calendar days after notice of protest. If the 10th day falls on a weekend or holiday, the filing deadline falls on the next business day.
   3. Opportunity for informal settlement must be provided within seven (7) business days after formal protest filed.
   4. If not settled but petition raises no material factual issues, an informal proceeding Section 120.57(2), Florida Statutes) can be conducted.
   5. If material factual issues raised, protest must be transmitted to DOAH for formal hearing (Section 120.57(1), Florida Statutes).

C. If a timely protest not initiated, the right to protest is waived.
   1. Challenges to specifications
   2. Challenges to interim decisions (e.g. shortlisting).

D. Protest bond.
   1. Protest arising from procurements relating to public buildings or educational facilities
      a. $ 25,000 or 2% of the lowest bid, whichever is greater, for projects valued at over $500,000
      b. 5% of the lowest bid for other projects.
   2. Other protests: not clear that protest bond is authorized.

E. Prohibition on *ex parte* communication. Section 120.66, Florida Statutes.

IV. Other Procurement-Related Ethics

A. Conflicts of Interest: Current Business Relationships

1. Prohibition on contracts with school board members, superintendent, or business organization in which board member or superintendent has any financial interest. §1001.42(12)(i), Florida Statutes.
2. Prohibition on contracts with the spouse or child of a board member, superintendent, or school district purchasing agent—or any business entity in which such spouse or child is an officer or has more than a 5% direct or indirect ownership interest. §112.313(3), Florida Statutes.
   a. Exception 1: When the contract was awarded through competitive sealed bidding to the lowest or best bidder and:
      1) the official/purchasing agent had no role in determining the bid award; and
      2) the spouse or child did not attempt to use the official/purchasing agent's influence to obtain the award.an emergency purchase is necessary.
      3) the official/ filed a statement with the supervisor of elections disclosing the conflict.
   b. Exception 2: Emergency purchases.

c. Exception 3: Sole source purchases, but full disclosure of the relationship must be provided.
d. Exception 4: Purchases with an aggregate annual price of $500 or less.

B. Conflict of Interest: Post-employment.

1. School board members and elected and appointed superintendents: 6-year bar on paid lobbying of their former agency (these individuals can lobby another agency).
2. School boards have the option of adopting 2-year post-employment bar on paid representation by appointed officials and employees (except collective bargaining)
3. No school board member or superintendent (elected or appointed) may be paid to lobby the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office.
4. Lobbying generally means seeking, on behalf of another person, to influence an agency or public official with respect to a decision in the area of policy or procurement or an attempt to obtain the goodwill of the agency, public official, or public employee.

C. Voting conflicts:

1. School board members may not vote on any matter that will "inure to the benefit" of themselves, their parent, child, spouse, sibling, their spouse's parent, their child's spouse or any organization that retains the school board member.
2. Superintendent may not attempt to influence a decision on any matter that will "inure to the benefit" of themselves, their parent, child, spouse, sibling, their spouse's parent, or their child's spouse.
3. Voting conflict must be disclosed. The conflict, or appearance of a conflict, should be announced when the item is called to the floor. The official then abstains from the vote (it is advisable to also abstain from the discussion) and files the voting conflict form within 15 days of the vote.

Conflicts of Interest and Voting Conflicts

DISCLAIMER: This is an extremely pared down, simplified overview of the laws governing standards of ethical (and legal) behavior for governmental officials and employees. There are additional standards, provisions, and certain exceptions. For a more thorough explanation, see the statutory language or consult with your School Board or School District attorney. Additional resources are listed at the end of this segment.

Definitions

Section 112.312, Florida Statutes – This section contains a host of definitions which are helpful in fully understanding a government official/employee's ethical obligations under chapter 112, Florida Statutes. Section 112.312(21), has a broad, default definition of "relative" to which the ethics rules and statutes apply; however, it is important to note that in many instances throughout chapter 112, a narrower definition may be specified.

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

Section 112.313, Florida Statutes – Prohibited activity includes:

- **Solicitation or acceptance of gifts:** Public officials, employees, local government attorneys, or candidates for nomination or election cannot solicit or accept anything of value based on an understanding that their vote, judgment, or official action will be influenced.
- **Doing business with one's agency:** Public officers and procurement employees cannot purchase, rent, or lease goods or services for their agency from a business where they, their spouse, or child has an ownership or management role. This extends to when the officer, employee, or designated family member has a material interest in the business.
- **Unauthorized compensation**: Public officers, agency employees, or local government attorney or spouse or minor child cannot accept anything if the individual knows or reasonably should know, that it was given to influence a vote or other official action.
- **Misuse of public position**: Public officers, agency employees, or local government attorneys cannot use their position or resources to obtain special privileges or benefits for themselves or others. Violation of section 112.313(6), Florida Statutes, requires evidence of a benefit obtained and corrupt intent. *See Underhill v. Commission on Ethics,* 403 So. 3d 496 (Fla. 1st DCA 2025) and *Blackburn v. State Com'n on Ethics,* 589 So. 3d 431 (Fla. 1st DCA 1991).
- **Conflicting employment or contractual relationships**: Public officers or agency employees cannot maintain 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. Additionally, public officers or employees of an agency cannot 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.
- **Disclosure or Use of Confidential Information**. Current and former public officers or

agency employees (including government attorneys) 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.

Voting requirement at meetings of governmental bodies

Section 286.012, Florida Statutes

Elected officials are required to vote on all propositions put before them unless there is a conflict of interest.

Voting Conflicts

Section 112.3143, Florida Statutes

No local public official may vote in an official capacity on any matter which would inure to the official's special private gain or loss, or to the special private gain or loss of the official's relative. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. **NOTE:** This definition is substantially narrower than the one in section 112.312, Florida Statutes.

"Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

If a conflict exists, the official must abstain from voting and file a notice of voting conflict.

Form 8B – Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers

Form 8B

The official must (1) publicly disclose the nature of the conflict prior to the vote being taken to the assembly, (2) abstain from voting on the measure upon which the official has the conflict, and (3) file Form 8B within fifteen (15) days of the vote being taken with the individual responsible for recording the minutes of the meeting. The form must be incorporated into the minutes of the meeting and maintained as part of those minutes.

Nepotism

Section 112.3135, Florida Statutes - Restriction on employment of relatives
Section 1012.23, Florida Statutes - Provisions on hiring relatives specific to school districts. Specifically, a relative of a school board member or superintendent may not be appointed to or employed in a position which is under the direct supervision of that school board member or superintendent. This proscription does not apply to individuals who were appointed to or employed in a position *prior to* their relative's election or appointment to their official position.

Qualified Blind Trusts

Section 112.31425, Florida Statutes - A public official who creates a qualified blind trust and does not control the interests of the trust will not be deemed to have a conflict of interest; however, the official cannot attempt to exercise any authority over the trust or request information regarding the holdings of the trust.

Nine Things to Know about Conflict of Interest, Post-Public Service Restrictions, and Related Matters

1. A public officer acting in their official capacity cannot purchase, rent, or lease realty, goods, or services for his public agency from a business in which he or a specified family member has a material interest.

2. A public officer acting in their private capacity cannot sell, rent, or lease realty, goods, or services to his public agency when he does so individually or when he is an officer, director, proprietor, or holder of a material interest in a business that does so.

3. Abstaining from a vote and fully complying with the voting conflicts law of s. 112.3143, F.S., will not prevent, cure, or negate a conflict under s. 112.313(3) or (7), F.S.

4. Both formal contracts and less formal relationships can give rise to potential conflicts of interests. For instance, ownership of small amounts of stock (or stock options) in large companies seeking to do business with one's agency can create a potential conflict of interest.

5. Generally, neither a public officer nor a member of his firm can represent a client in a matter involving his own public board or agency.

6. The competitive bidding exemption to certain conflicts requires true sealed competitive bidding to the lowest or best bidder; requests for proposals, invitations to negotiate, and similar procurement mechanism do not entitle one to the protections of the exemption.

7. In addition to state ethics laws, public officers, employees, and attorneys should review other Florida Statutes (civil and criminal), Federal laws, rules of various agencies, and local ordinances and provisions to steer clear of voting conflicts and conflicts of interest.

8. The meaning of "representation" within the context of post-public-service restrictions

and other restrictions is extremely broad; it prohibits almost all contact with an agency on behalf of one's client, company, or employer. The 6-year bar imposed by Amendment 12 applies only to paid lobbying, as does the ban on lobbying other federal, state, and local governments during an official's term.

9. Local government attorneys, especially those who are independent contractors, should read s. 112.313(6), F.S., very carefully, and tailor their contracts with government accordingly.

Ten Things to Know about Voting Conflicts

1. If your board votes to do business with you – or an entity with which you're employed even if you abstain, you will still be in violation of the conflict laws, unless one of the statutory exceptions exists enabling you to transact business with your district.

2. If your board votes to hire, appoint, or promote your relative, even if you abstain, you may still be violating the anti-nepotism law.

3. Voting conflicts arise when a measure will bring an officer or other specified person or entity "special private gain or loss." This means *economic* benefit or harm.

4. State and local officers are prohibited from voting on measures resulting in "special private gain or loss" to themselves.

5. Local officers are also prohibited from voting on measures resulting in "special private gain or loss" to their principals, relatives, or business associates.

6. State officers are not prohibited from voting on measures resulting in "special private gain or loss" to principals, relatives, or business associates, but must disclose their interests in such votes.

7. Considerations for "special private gain or loss" include (1) the size of the class; (2) whether the gain/loss is remote or speculative; and (3) whether the vote is preliminary or procedural. Generally, if your interests equate to 1% or more of the class, then you most likely have a voting conflict.

8. All state officers facing a voting conflict affecting them personally must: (1) abstain; and (2) disclose the conflict by filing a Form 8A within fifteen (15) days of the vote.

9. All local officers facing a voting conflict affecting them personally must: (1) abstain; (2) publicly disclose the conflict to their agency prior to the vote; and (3) file a Form 8B within fifteen (15) days of the vote.

10. Additional rules apply for appointed state and local officers who wish to participate in matters which could affect themselves, their principals, employers, relatives, or business associates.

Ethical Provisions for Superintendents/ School Boards/Personnel

General Comments – The Florida Legislature has made several changes relating to ethics over the last few years that directly impact school board members, superintendents, and other educational personnel. The Legislature has also enhanced oversight and reporting requirements. The pertinent provisions are summarized below.

A. Employment of Relatives and Advisory Opinion from the Commission on Ethics

Nepotism provisions have been expanded to include superintendents and state that neither the school superintendent nor school board member may appoint or employ a relative, as defined in s. 112.3135, F.S., to work under the direct supervision of that school superintendent or board member. These limitations do not apply to employees appointed or employed before the election or appointment of a school superintendent or board member . Finally, the Commission on Ethics is required to investigate any alleged violations. (s. 1012.23, F.S.)

A relative is defined as: an individual who is related to the public official 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, or half-sister." (s. 112.3135(1)(d), F.S.)

An advisory opinion was requested from the Commission on Ethics regarding the implementation of these new provisions (CEO 19-12). The Commission found that the new language applies to school superintendents only in situations where they appoint or employ a relative (as defined above) to work under their direct supervision, not in situations where they make recommendations to the district school board for the board to appoint or employ their relative. "So long as a person other than the superintendent will be the direct supervisor of the relative, the statute will not be triggered."

In addition, the superintendent will not trigger the statute if he or she recommends the employment of a relative of a district school board member. Also, the provision will not be triggered if a school superintendent proposes a salary increase or bonus for a teacher or school employee who happens to be a relative. The language is strictly interpreted and only applies to appointment or employment.

Finally, regarding the "grandfather provision," because of the high likelihood that no particular superintendent will be faced with the potential "grandfathering" situation, the Commission declined to opine on this point.

B. Lobbying Restrictions

Lobbying limitations were expanded to include appointed superintendents in the list of officials that may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a 6-year period after vacating that office. (s. 112.313, F.S.)

C. School Board Members

Travel Expenses – Each member of a school board is allowed reimbursement of travel expenses provided that any **travel outside the district** that exceeds $500 requires prior approval by the school board to confirm that such travel is for official business of the district and complies with State Board of Education rules (please note that Rule 6A-1.056, F.A.C., has not been updated by the State Board since 1974). In addition, any request for **travel outside the state** must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. Immediately preceding a request, the public must have an opportunity to speak on the specific travel agenda item. (s. 1001.39, F.S.)

Compensation - School board member salaries must be the lessor of the statutory annually calculated salary or the district's beginning salary for teachers who hold baccalaureate degrees. (s. 1001.395, F.S.)

D. Ethical Conduct Provisions for Superintendents and School Board Members

Standards of ethical conduct include all administrative personnel and school officers. The definition of "school officer" includes superintendents and school board members (s. 1012.01, F.S.).

In 2021, the law was amended to require school boards to adopt policies establishing standards of ethical conduct for **all** district employees and school officers (school board members and superintendents). Education support professionals were added to the list of employees subject to these requirements. The policies must require all such personnel and officers to complete training on the standards. They must also establish the duty to report and the procedures for reporting alleged misconduct by other district personnel and school officers which affects the health, safety, or welfare of a student. This specifically includes misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student. The policies must require the district school superintendent to report to law enforcement misconduct by any employee that would result in disqualification from educator certification or employment as provided in s. 1012.315, F.S.; and include an explanation of the liability protections provided under ss. 39.203 and 768.095, F.S.

A district school board, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed personnel or school officers who resign in lieu of termination, based on misconduct that affects the health, safety, or welfare of a student, and may not provide personnel or school officers with employment references or discuss the employee's or officer's performance with prospective employers in another educational setting, without disclosing the employee's or officer's misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by district personnel or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced. (s. 1001.42, F.S.)

E. Parental Rights – Responsibilities of School Boards and Superintendents

In 2021, the Legislature enacted HB 241, the Parents' Bill of Rights. Chapter 1014, F.S. It provides that "important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent." (s. 1014.02, F.S.) School boards, as well as other government agencies, may not infringe upon the fundamental rights of parents unless it is "reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means." (s. 1014.03, F.S.) These rights include the right "to direct the education and care of [the parent's] minor children." (s. 1014.04(1)(a), F.S.) Finally, school boards must adopt a policy to promote parental involvement in the schools, including a process to object to instructional materials, opt-out of sex education, and other rights previously enacted in the Education Code (Chapters 1000-1013, F.S.). (s. 1014.05, F.S.)

Further, in 2022, the Legislature enacted HB 1557, the Parental Rights in Education Bill. This bill amended the Powers and Duties of District School Boards. (s. 1001.42, F.S.) It requires school boards to adopt procedures for notifying parents "if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student." (s. 1001.42(8)(c)1., F.S.) District procedures can only permit withholding information from a parent "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect." (s. 1001.42(8)(c)2., F.S.)

Then, in a separate bill, the Legislature added to the Superintendent's Duties and Responsibilities statute. In the subsection about keeping and filing records and reports, the law now adds that "Such records and reports shall include any determination to withhold from a parent information regarding the provision of any services to support the mental, physical, or emotional well-being of the parent's minor child. Any such determination must be based solely on child-specific information personally known to the school personnel and documented and approved by the school principal or his or her designee. Such determination must be annually reviewed and redetermined." (s. 1001.51(12)(a), F.S.)

F. Offenses against Students by Authority Figures

Legislation was enacted to clarify offenses against students by authority figures. An authority figure shall not solicit or engage in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student. A person who violates this section commits a felony of the second degree.

"Authority figure" is now defined as a person nineteen (19) years of age or older, employed, volunteering for, or under contract with a school, including school resource officers. "School" is defined as provided in s. 1003.01, F.S., including a private school, early learning programs, and the Florida Virtual School. The term does not include a facility dedicated exclusively to the education of adults. "Student" is a person who is enrolled at a school. (s. 800.101, F.S.)

Additional Reporting Requirements - Misconduct of engaging or soliciting sexual, romantic, or lewd conduct with students is added to the list of activities that create a duty for all district personnel to report. The school superintendent is also required to report misconduct by any district employee to law enforcement.

Section 800.101, Florida Statutes, provides that anyone who is required to report sexual misconduct

by an authority figure against a student but knowingly or willfully fails to do so is guilty of a first-degree misdemeanor. It is also a first-degree misdemeanor to submit a false, inaccurate, or incomplete report, or to threaten or coerce someone to alter their report or testimony.

Policy Adoption Requirements - A school board official, whether appointed or elected, forfeits his or her salary for one (1) year if the school board knowingly fails to adopt policies that require the district school superintendent to report misconduct as stated above. In addition, any school superintendent who knowingly fails to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to district school board policy adopted above forfeits his or her salary for one (1) year following the date of such act or failure to act. (ss. 1001.42 and 1001.51, F.S.)

School Superintendent - The district school superintendent is required to notify the parent of a student who was subjected to or affected by misconduct identified above within thirty (30) days after the date on which the school district learns of the misconduct. The notification must inform the parent of the alleged misconduct, including which allegations have been substantiated if any; whether the district reported the misconduct to DOE if required; the sanctions imposed against the employee, if any; and the support the school district will make available to the student in response to the misconduct.

An employment history check is required for every person employed in any position that requires direct contact with students. (s. 1012.27, F.S.)

Personnel Files - An employee's personnel file must clearly indicate if the resignation or termination of an employee occurred before an investigation of alleged misconduct with a student is concluded. This is accomplished through an affidavit of separation from employment, and all school districts must now review any such affidavits on file with prior employers. The employee personnel file exemption does not absolve the school district of its duty to provide any legally sufficient complaint to the Department of Education within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the school district regardless of the status of the complaint. (s. 1012.31, F.S.)

Disqualification from Employment - A person is ineligible for educator certification or employment in any position that requires direct contact with students if the person has been convicted of a felony offense prohibited under s. 800.101, F.S., relating to offense against students by authority figures. See also s. 435.04(2), F.S., for a full list of disqualifying offenses.

Educator Certification Requirements – Denial of Certificate - The Department of Education may deny an applicant a certificate if the department possesses satisfactory evidence that the applicant has committed an act, or that a situation exists, for which the Education Practices Commission would be authorized to discipline a certified educator (rather than revoke a teaching certificate). (s. 1012.56, F.S.)

Education Practices Commission - The commission may suspend or revoke a certificate, in addition to other provisions, if the person has engaged in or solicited sexual, romantic, or lewd conduct with a student or minor.

The situations for which the commission may revoke or suspend an educator certificate or other professional license held in Florida or in any other state are expanded. One of these provisions

includes the violation of test security as provided in s. 1008.24, F.S. (s. 1012.795, F.S.)

Complaints against Teachers and Administrators - School districts must file all complaints with the Department of Education within 30 days regardless of whether the subject of the complaint is still an employee of the school district.

A school district is required to immediately notify the Department of Education if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school district's investigation. Upon receipt of the notification, the department must place an alert on the person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until the information is no longer subject to confidentiality requirements. (s. 1012.796, F.S.)

As mentioned above, during the 2021 session, the Legislature enacted numerous new requirements for districts and the Department with respect to allegations of wrongdoing by staff members. All employees who commit acts that harm students will be kept in a database, which all districts must review before hiring someone. Employees who resign before an investigation is completed or before they can be terminated will also be in the database, and no one on that list can be hired by a school. A school board member can forfeit a year of salary if the board does not adopt a policy requiring a complete investigation of all reports of alleged misconduct by any school board employee if the misconduct affects the health, safety, or welfare of a student, even if the employee resigns before the investigation can be concluded. At the conclusion of the investigation, the Superintendent must notify the Department of the result and whether the misconduct warranted termination, even if the employee has already resigned or was terminated prior to the conclusion. Failure to complete such an investigation can result in the Superintendent forfeiting a year of salary.

G. School Safety – School Superintendent

Each school board must adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting (SESIR). A superintendent who fails to comply with this requirement is subject to penalties specified in law, including, but not limited to s. 1001.42(13)(b), F.S. – withholding of superintendent's salary by board for not transmitting reports or s. 1001.51(12)(b), F.S. – withholding of superintendent's salary for not transmitting required reports.

H. Internal Auditor

School boards are authorized to hire an internal auditor (s. 1001.41(12)(l), F.S.). However, a school board *must* employ an internal auditor in the case of a school district receiving annual federal, state, and local funds in excess of $500 million. Since this requirement of requiring the employment of an internal auditor by certain schools was enacted, the issue is whether a school board may outsource this function or is required to employ an internal auditor. The Florida Department of Education has recently concluded that a district may satisfy the requirement to "employ an internal auditor" by hiring a private CPA firm to perform internal audit services. (See Auditor General Report No. 2020-201, Internal Audit Function (Lee County School Board).)

The scope of the internal auditor must not be restricted and must include every functional and program area in the school system.

- The internal auditor shall perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district school board directs for determining:
    - The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse as defined in s. 11.45(1), F.S.
    - Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.
    - The efficiency of operations.
    - The reliability of financial records and reports.
    - The safeguarding of assets.
    - Financial solvency.
    - Projected revenues and expenditures.
    - The rate of change in the general fund balance.
- The internal auditor shall prepare audit reports of his or her findings and report directly to the district school board or its designee.

Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination which the internal auditor is by law authorized to perform is subject to the provisions of s. 11.47(3) and (4), F.S.

I. Auditor General

Action required within 45 days - In addition to other provisions, the Auditor General is now required to contact each school board with the findings and recommendations contained within the Auditor General's previous operational audit report. The school board must provide information on evidence of initiation of corrective action within 45 days after the date it is requested by the Auditor General and evidence of completion of corrective action within 180 days after the date it is requested by the Auditor General. If the school board fails to comply within the required timeframe, the Auditor General must notify the Legislative Auditing Committee. (s. 11.45, F.S.)

J. Department of Education - Inspector General

Allegations of Fraud or Abuse - The Inspector General is required to investigate allegations or reports of possible fraud or abuse against a district school board made by any Cabinet member; Senate President, House Speaker, Chair of any committee with jurisdiction over education; or a member of the board for which an investigation is sought. (s. 1001.20, F.S.)

K. Legislative Auditing Committee - Abuse, Fraud, and Waste

The authority of the Legislative Auditing Committee has been expanded to allow the Governor or designee or the Commissioner of Education or designee to notify the committee of the failure of a local governmental entity including a district school board, charter school, or charter technical career center to comply with the applicable provisions relating to audits by the Auditor General, annual financial reporting requirements, and actions taken during financial emergencies. (s. 11.40, F.S.)

The definition section (s. 11.45, F.S.) relating to the Auditor General was amended and several definitions added including definitions for:

- "Abuse" as behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.
- "Fraud" as obtaining something of value through willful misrepresentation, including, but not limited to, intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources.
- "Waste" as the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

School board duties were amended to require that the internal auditor determine the adequacy of internal controls designed to prevent and detect fraud, waste, and abuse. The definition of these terms is tied back to the definitions listed above. (s. 1001.42, F.S.)

The requirements related to uniform records and accounts were amended (s. 1010.01, F.S.), to add that each school district, college, and state university must establish and maintain internal controls designed to also:

- Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1), F.S.
- Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.
- Support economical and efficient operations.
- Ensure reliability of financial records and reports.
- Safeguard assets.

L. Commission on Ethics

Unpaid Fines - District school boards are now entities from which unpaid fines imposed by the Commission on Ethics may be collected. (s. 112.31455, F.S.)

Financial Disclosure – Beginning January 1, 2023, all disclosures filed with the commission are to be filed electronically through the electronic filing system maintained by the Commission. Anyone who is required to file a financial disclosure form should first check the Commission's website for the most up-to-date information and forms. There are several good tips and links to more information on the front page, such as how to file for a public records redaction/exemption.

Each unit of government must provide an email address to any of its officers, members, or employees who must file a financial disclosure or statement of financial interests and then provide such email address to the commission by February 1 of each year. A person required to file a disclosure or statement must inform the commission immediately of any change in an email address. (s. 112.31446, F.S., and various other sections of Ch. 112, Part III, F.S.).

Florida Commission on Ethics

A. Composition

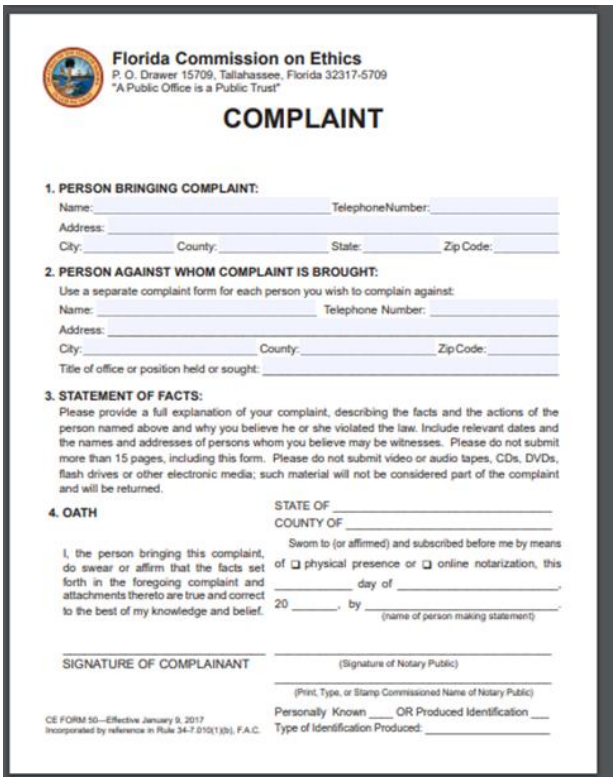
1. Nine (9) Member Commission (www.ethics.state.fl.us)
2. Appointments by Governor (5), Senate President (2), and Speaker of the House (2) – balanced politically (Members)
3. Responsible for Administering
   a. Article II, Section 8, Florida Constitution (the Sunshine Amendment)
   b. Part II, Chapter 112, Florida Statutes (the Code of Ethics)

B. Guidance

1. Ethics Hotline: (850) 488-7864 (ask for the "Attorney of the Day" – simple facts)
2. Guidance Letters ("Informal opinions" – complicated facts, based on precedent in opinions, written by legal staff of the Commission on Ethics)
3. Formal Opinions ("Research" tab on the home page – guidance issued by majority vote of the Commission on Ethics, binding advice on the requestor)
4. Final and Recommended Orders (search from the "Research" tab)
5. Rules (search from the "Research" tab from home page)

C. Complaints

1. Important Instructions for Completing a Complaint Form
2. Complaints may be filed by anyone
3. Complaints **must** use official Commission complaint form (CE Form 50)
4. All complaints are sworn
5. Complaints are confidential until a certain stage
6. Commission **cannot** initiate its own complaints



Florida Commission on Ethics
P. O. Drawer 15709, Tallahassee, Florida 32317-5709
"A Public Office is a Public Trust"

COMPLAINT

1. PERSON BRINGING COMPLAINT:
Name: _____ Telephone Number: _____
Address: _____
City: _____ County: _____ State: _____ Zip Code: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:
Use a separate complaint form for each person you wish to complain against.
Name: _____ Telephone Number: _____
Address: _____
City: _____ County: _____ Zip Code: _____
Title of office or position held or sought: _____

3. STATEMENT OF FACTS:
Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

4. OATH

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

_____
SIGNATURE OF COMPLAINANT

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ❑ physical presence or ❑ online notarization, this _____ day of _____, 20 _____, by _____ (name of person making statement).

_____
(Signature of Notary Public)

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ____ OR Produced Identification ____
Type of Identification Produced: _____

CE FORM 50—Effective January 9, 2017
Incorporated by reference in Rule 34-7.010(1)(b), F.A.C.

Ethics in Government – Florida Constitutional Provisions Regarding Lobbying Restrictions and Abuse of Office

Full Text of New Constitutional Provision

Effective December 31, 2022, Art. II, s. 8 reads:

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f)(1) For purposes of this subsection, the term "public officer" means a statewide elected officer, a member of the legislature, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, an elected special district officer in a special district with ad valorem taxing authority, or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government.

(2) A public officer shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office.

(3) A public officer shall not lobby for compensation on issues of policy, appropriations, or procurement for a period of six years after vacation of public position, as follows:

a. A statewide elected officer or member of the legislature shall not lobby the legislature or any state government body or agency.

b. A person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby the legislature, the governor, the executive office of the governor, members of the cabinet, a department that is headed by a member of the cabinet, or his or her former department.

c. A county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, or an elected special district officer in a special district with ad valorem taxing authority shall not lobby his or her former agency or governing body.

(4) This subsection shall not be construed to prohibit a public officer from carrying out the duties of his or her public office.

(5) The legislature may enact legislation to implement this subsection, including, but not limited to, defining terms and providing penalties for violations. Any such law shall not contain provisions on any other subject.

(g) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(h)(1) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(2) A public officer or public employee shall not abuse his or her public position in order to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest. The Florida Commission on Ethics shall, by rule in accordance with statutory procedures governing administrative rulemaking, define the term "disproportionate benefit" and prescribe the requisite intent for finding a violation of this prohibition for purposes of enforcing this paragraph. Appropriate penalties shall be prescribed by law.

(i) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(j) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of $1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds $1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (g), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to paragraph (1).

(3) The independent commission provided for in subsection (g) shall mean the Florida Commission on Ethics.

Lobbying Restrictions

The provision amended Article II, Section 8 relating to Ethics in Government. See above for a full text copy of Article II, Section 8. "Public officer" is defined to include a school board member and superintendent of schools, among other state and local public officers. A public officer is prohibited from lobbying for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of Florida, during his or term of office. This does not prohibit a public officer from carrying out the duties of his or her public office. In addition, a school board member and a superintendent are prohibited from lobbying his or her former agency or governing body for compensation for six years after vacation of his or public position. **These provisions took effect December 31, 2022.**

Abuse of Public Position – Disproportionate Benefit

The constitution currently provides that a code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interest must be prescribed by law. The amendment added the following language and became effective **September 30, 2019**:

> A public officer or public employee shall not abuse his or her public position in order to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest. The Florida Commission on Ethics shall, by rule in accordance with statutory procedures governing administrative rulemaking, define the term "disproportionate benefit" and prescribe the requisite intent for finding a violation of this prohibition for purposes of enforcing this paragraph. Appropriate penalties shall be prescribed by law.

The amendment required the Florida Commission on Ethics to develop a rule defining the term "disproportionate benefit" and prescribing the requisite intent for finding a violation of the prohibition against abuse by public position.

The Commission on Ethics approved language that defines "disproportionate benefit" at its public meeting on July 26, 2019. The adopted rule remains the same as of August 26, 2026, and is reproduced below.

> **34-18.001 Scope and Applicability of Chapter.**
>
> (1) The purpose of this chapter is to provide notice and guidance to public officers or public employees, as well as to the general public, regarding the definition of the term "disproportionate benefit," as that term is used in Article II, Section 8(h)(2) of the Florida Constitution, as well as the requisite intent for finding a violation of the prohibition contained in Article II, Section 8(h)(2) of the Florida Constitution.
>
> (2) Definitions
>
> (a) For the purpose of Article II, Section 8(h)(2) of the Florida Constitution, "disproportionate benefit" means a benefit, privilege, exemption or result arising from an act or omission by a public officer or public employee inconsistent with the proper performance of his or her public duties.
>
> (3) The Commission will consider the following in determining whether a benefit, privilege, exemption, or result constitutes a "disproportionate benefit":
>
> (a) The number of persons, besides the public officer or public employee, his or her spouse, children, employer, or business with which he or she contracts, in which he or she is an officer, a partner, a director, or a proprietor, or in which he or she owns an interest, who will experience the benefit, privilege, exemption, or result;
>
> (b) The nature of the interests involved;
>
> (c) The degree to which the interests of all those who will experience the benefit, privilege, exemption, or result are affected;

(d) The degree to which the public officer or public employee, his or her spouse, children, employer, or business with which he or she contracts, in which he or she is an officer, a partner, a director, or a proprietor, or in which he or she owns an interest, receives a greater or more advantageous benefit, privilege, exemption, or result when compared to others who will receive a benefit, privilege, exemption, or result;

(e) The degree to which there is uncertainty at the time of the abuse of public position as to whether there would be any benefit, privilege, exemption, or result, and, if so, the nature or degree of the benefit, privilege, exemption, or result must also be considered; and

(f) The degree to which the benefit, privilege, exemption, or result is not available to similarly situated persons. As used in this chapter, "similarly situated persons" means those with a commonality or like characteristic to the public officer or public employee that is unrelated to the holding of public office or public employment, or a commonality or like characteristic to the public officer's or public employee's spouse, children, or employer, or to any business with which the public officer or public employee contracts, serves as an officer, partner, director, or proprietor, or in which he or she owns an interest.

(4) The requisite intent for finding a violation of the prohibition in Article II, Section 8(h)(2) of the Florida Constitution is that the public officer or public employee acted, or refrained from acting, with a wrongful intent for the purpose of obtaining any benefit, privilege, exemption, or result from the act or omission which is inconsistent with the proper performance of his or her public duties.

Rulemaking Authority Article II, Section 8(h)(2), Florida Constitution, s. 112.322(9), F.S., Law Implemented Article II, Section 8(h)(2), Florida Constitution, s. 112.322(9), FS. History–New 9-30-19.

The adopted Constitutional amendment also mandates that "appropriate penalties shall be provided by law." A schedule included in the amendment requires the Legislature to enact penalty legislation "following the adoption of rules" by the Commission.

The Legislature passed HB 7009 during the 2020 General Legislative Session. The bill reenacts s. 112.317, F.S., effective December 31, 2020, to make the penalty provisions of the section applicable to the amended provisions of Article II, Section 8 of the Florida Constitution that take effect the same day and follow the adoption of Rule 34-18.001, F.A.C., by the Commission on Ethics. This meets the requirement of the Amendment 12 implementation schedule.

Who Can Answer My Ethics Questions?

Contact the Commission on Ethics at www.ethics.state.fl.us

Kerrie Stillman is the Executive Director.

The Commission has 3-4 attorneys designated for ethics questions. Call (850) 488-7864, and ask for the "attorney for the day." An attorney is assigned daily to respond to ethics issues.

Government in the Sunshine Manual

2025 Sunshine Manual

The 2025 Government-in-the-Sunshine Manual reflects changes to the statutes and caselaw which occurred prior to October of 2024.

A copy of the 2025 Sunshine Manual can be downloaded without charge on the Florida Attorney General's website at https://www.myfloridalegal.com/open-government/sunshine-manual.

FERPA Resources from the U.S. Department of Education

1. Online Training Modules and Webinars from the U.S. Department of Education:
    a. FERPA 101: For Local Education Agencies
    b. FERPA 201: Data Sharing under FERPA

2. Numerous other recorded webinars and training, including cybersecurity and ransomware issues (a few are more recent, but many are from 2016 or earlier):

Last revised: 08-26-26 btm

Summary of Recent Commission on Ethics Advisory Opinions

CEO 26-7 – Doing Business with One's Agency

The question asked was "May a teacher, through his limited liability company, sell a product to his School District without violating Section 112.313(3), Florida Statutes, and Section 112.313(7)(a), Florida Statutes, when he personally plays no official role in the procurement of his company's product?" The Commission reiterated that a teacher's "agency" is the school at which he works, not the school district. So, selling a product to the district would not be an ethics problem. Similarly, because the product would not be sold to the teacher's students, there was no problem with that. Because the product was a computer program, the Commission advised the teacher that he should not work on the product during his publicly-paid, work day hours. Ultimately, the Commission opined that the teacher's lack of any role in his agency's dealing with the LLC meant that there would be no interference with the full and faithful discharge of the teacher's public duties. Finally, the Commission said that none of the ethics laws were implicated if the teacher's LLC donated the software to the school or the district.

CEO 26-2 – Gift Acceptance and Disclosure

The question asked was "May a public officer accept the prize from a winning raffle ticket in a raffle operated by a local non-profit?" The Commission found that it is not an ethics violation to accept the prize if equal or better consideration is paid for the raffle ticket, the raffle is open to the public, and the raffle was not targeted to public officers and employees or otherwise rigged. While a door prize can be a gift, the raffle prize was more like winning a silent auction. The RIPE paid the price of the raffle ticket, and there was nothing that skewed the raffle towards this person or other public officers or employees.

CEO 26-1 – Misuse of Public Position

The question asked was "Can a County Commissioner use County-provided Commissioner letterhead to endorse another candidate for County Commission without violating the Code of Ethics for Public Officers and Employees?" The Commission opined that a county commissioner can take the private action of endorsing a candidate, but it would be a misuse of public position under section 112.313(6), F.S., to use the county-provided letterhead to do so. "In summation, you may not use the resources of your public position, such as your County-provided letterhead, to write a private endorsement of a certain candidate for County Commissioner. You may, however, create your own letterhead for your endorsement in which you identify yourself as a County Commissioner, as long as your letterhead does not include any of your official contact information, but does include a disclaimer clarifying that the opinions expressed in the endorsement are your private opinions, as opposed to the opinions of your public body."

CEO 25-10 – Lobbying Restrictions

The question asked was "Would a newly appointed school board member be in violation of Article II, Section 8(f)(2), Florida Constitution, were she to continue working as the Director of

State Government Affairs for a private company?" The Commission answered in the affirmative, because part of the board member's work constituted "lobbying for compensation" and, even though it was only about 5% of the board member's job, he or she worked for the governmental affairs division of the company. However, if the board member switched to a different role within the governmental affairs division that did not include any lobbying, there would be no violation.

CEO 25-7 – Conflict of Interest

The question asked was "Would existing special counsel services agreements (or the extension of those agreements) between a school board and the employer of a school board member create a prohibited conflict of interest for the member of the school board?" In this case, a recently appointed school board member was a shareholder in a law firm that held a special counsel services agreement with the school board for construction contracts and claims, but the board member himself did not work on any school board matters. It is a prima facie conflict of interest to be employed by a law firm that does business with the agency. However, there are exemptions. In this case, the contract with the school district predated the board member's appointment to the board. Thus, because the agreement represented a meeting of the minds in a conflict-free environment, it was grandfathered. In addition, because the original agreement had provisions for time-certain renewal periods with the same terms and conditions, the two one-year renewal contracts were also permissible. However, the board member would need to avoid voting on any measure regarding the law firm's representation of the school district if that decision could benefit the board member or his law firm.

CEO 25-6 – Conflict of Interest

Here, the question is similar to CEO 26-7, above, except it involves a board member instead of a teacher at a school. "Would a prohibited conflict of interest be created for a member of a school board if their business sells services to students of the school district?" In this case, a recently-elected board member had a private business that offers various medical training courses to both adults and minors. For minors, the business offers a week-long youth medical camp and also offers a babysitting certification course. The Commission found that this business could tempt the board member to dishonor his or her public responsibilities in favor of his or her private interests. "As a member of the School Board, you may infrequently undertake votes on matters affecting individual students. However, much more frequently, perhaps inevitably, you will be contacted by parents to intercede on matters affecting individual students, drawing the attention of District staff to individual student matters that might otherwise be handled without special attention, consideration, or pressure from a School Board member. While any parent might call upon a school board member to intercede on a student matter, that board member is in a position to be tempted to more freely give attention to matters affecting an identifiable client or customer of his or her business. That is a cause for concern here, as the situation creates a temptation to favor students and families of your private business over your public responsibilities." The Commission did distinguish a business what has more impersonal interactions with its clients, like a fast food restaurant where the board member might have no idea that a student bought food from the drive-thru window. The Commission also advised the board member not to hire district employees to work for his or her private business and also to avoid sponsoring a school team in exchange for having the business logo printed on the team's shirts.

CEO 25-5 – Gift Acceptance and Disclosure

In this case, a city commissioner used discretionary city funds to purchase tickets to a charitable event. Because the funds were public funds, not the personal funds of the commissioner, the tickets to the charitable event would still constitute a gift. If the value of the ticket exceeds $100, he is required to report it on Form 9. However, if the city commissioner is a representative for the city on a different organization (in this case, the Broward League of Cities (BLOC)), the city can purchase the commissioner's tickets to the annual installation dinner of this organization. Under section 112.312(12)(b)1., F.S., "Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization" are not considered gifts. This would not be true for the other city commissioners, but it does apply to the commissioner selected to serve as the voting representative at BLOC.

CEO 25-2 – Conflict of Interest

In a scenario that may be applicable to school boards looking to find ways to address affordable housing for district employees or get into the charter, private, or home school business, the Commission addressed a county commission that created a separate business entity to assist in public and affordable housing matters. The opinion was summarized as follows: "A prohibited conflict of interest would not be created were county commissioners to serve as uncompensated members of the board of directors of a business entity created by the county to assist in public and affordable housing matters. Considering that the official duties of the county commissioners will include serving on the board of directors, and that the business entity will function exclusively for the support of the county, there will be a unity of interest between the county and the entity such that Section 112.316, Florida Statutes, will operate to negate any conflict of interest under Section 112.313(3). And without compensation, the county commissioners will not have an employment or contractual relationship with the business entity, as would be needed to violate Section 112.313(7)(a). Similarly, if the job responsibilities of county employees were expanded to include performing duties for the business entity, but the business entity does not compensate them and they have no personal contractual relationship with it, they would not have a conflict of interest under Section 112.313(7)(a)."

CEO 24-5 – Gift Acceptance and Disclosure

Here, a mayor was sued for failure to disclose public records. He sought to raise funds for his legal defense by obtaining a loan from a friend at zero or reduced interest, and another friend had offered to start a GoFundMe page. Where the loans are not being offered to influence official decision making and are not being offered by vendors, lobbyists, or principals of lobbyists of the City, or by political committees, the question is how much less interest will be paid over the life of the loan compared to a fair-market rate. If it is more than $100, it must be reported. As for GoFundMe and other similar sites, you still must take steps to prevent accepting donations from prohibited sources, including if they attempt to do so anonymously, and you must report each allowable gift in excess of $100 ($50 for school board members). It is not enough to report just the total amount raised through the website.

CEO 23-4 – Conflict of Interest; Doing Business with One's Agency

The question presented was whether "certain School District personnel have a prohibited conflict of interest if the Superintendent, on behalf of the School District, purchases an institutional membership with a nonprofit corporation?" Further complicating the issue was the fact that the Superintendent, as well as numerous teachers, principals, and district administrators were on the board of directors of the business entity (not compensated). The opinion reiterates previous opinions in which the Commission found that "the agency of a public officer or public employee is the lowest unit of government to which one's influence could be said to extend." Thus, for a teacher or principal, the agency is the school at which they work. However, for a board member, superintendent, or district administrator, the entire school district is the agency. In this particular case, employees whose agency is the school would not be in conflict because the membership was for the entire district. Also, for those at the district level, because the institutional membership only cost $250, the exception in law when the total amount of the transactions between the business entity and the agency amounts to less than $500 annually would apply. See sec. 112.313(12)(f), Fla. Stat.

CEO 21-6 – Conflict of Interest; Doing Business or Entering a Contractual Relationship with your Agency

Under the facts presented, a city commissioner can rent city-owned facilities to conduct his or her private business. While section 112.313(7)(a), Florida Statutes, provides that a public officer cannot have a contractual relationship with the agency for which he or she is an officer or employee, section 112.316 provides that the ethical statutes are not intended to prevent a public officer from accepting other employment or pursuing interests which do not interfere with his or her duties as a public officer. Because the monetary impact was less than $500 per year and the commissioner was just making use of a facility in the same manner and under the same terms as available to any member of the public (i.e., same lease terms, same insurance and indemnity requirements, etc.), there is no conflict of interest.

CEO 19-17 – Gift Acceptance and Disclosure – City Officials and Employees Accepting Things of Value from Various Donors

A city official or employee who files financial disclosure (a reporting individual) has received a "gift" from the city when they accept complimentary tickets to events sponsored in part by the city and hosted by for-profit or non-profit entities. As the gift involves tickets, the valuation is controlled by Florida Statutes and rules. The city officials and employees may accept the tickets because there is no indication that the tickets are an indirect gift from a lobbyist or a vendor of the city. However, where the combined face value of the tickets accepted by a reporting individual exceed $100, the reporting individual must disclose them accordingly. Further, tickets that are admissions to VIP events or to early performances not otherwise available to the public and given to public officers and employees who file financial disclosure would be considered gifts. Also, where a reporting individual receives complimentary tickets to fundraising events held by non-profit entities that receive funding from the city, the tickets would constitute an indirect gift from the non-profit, which could be accepted provided that the non-profit is not a lobbyist or the partner, firm, employer, or principal of a lobbyist who lobbies the city or a vendor of the city, but the tickets must be disclosed quarterly on a CE Form 9. The value of a ticket to a charitable fundraising event is the face value of the ticket or if no face value was provided the published cost of admission to persons with similar tickets.

CEO 19-12 – Appointment or Employment of Relatives of School Superintendents – Effect of Chapter 2018-005, Laws of Florida

School Superintendents are now prohibited from appointing or employing a "relative" as defined in statute to work under their direct supervision. The Commission found that the statute applies to superintendents only in situations where they appoint or employ a relative to work under their direct supervision, not in situations where they make recommendations to the school board for the board to appoint or employ their relative. Furthermore, to the extent the statute applies to superintendents, it is only when a superintendent appoints or employs a relative to work under his or her direct supervision. As long as a person other than the superintendent will be the direct supervisor of the relative, the statute will not be triggered. The provision will not be triggered if a superintendent proposes a salary increase or bonus for a teacher or employee who happens to be a relative. The language only applies to appointment or employment. Finally, the superintendent does not trigger the statute if he or she recommends for employment a relative of a district school board member.

Biographies of Speakers

Brian Moore has been the General Counsel for the Florida Association of District School Superintendents (FADSS) since 2020. In this capacity, Mr. Moore represents public school interests before the Florida Legislature and the Department of Education. He came to FADSS after serving just over 8 years as the Staff Attorney for Alachua County Public Schools. In that role he counseled the Superintendent and district staff on a multitude of legal issues including policy-making, contract review, ESE guidance and representation, human resources and labor management, and all related aspects of running a school district. Moore also served as Chief Attorney for the Florida Legislature, Joint Administrative Procedures Committee (JAPC), for seven years and is well versed in administrative procedures. In his position with JAPC, he worked directly with the Florida Department of Education and the State Board of Education in their rulemaking processes. Mr. Moore earned his law degree from the University of Florida in 1997.

Amy Envall serves as Senior Counsel at Sniffen & Harmon, P.A. where she represents school districts and other local government agencies and private educational institutions across various areas of law. Previously, she served as the General Counsel for Orange County Public Schools and as the General Counsel for Brevard Public Schools. Prior to that, she served as an attorney and the Ethics Compliance Officer for Orange County Public Schools, as General Counsel for the Clerk of Courts, as an Assistant County Attorney, and as a Trial Court Staff Attorney for the Ninth Judicial Circuit. She also served as the Assistant Dean for Academic Programs and Faculty Development at Barry University School of Law. Ms. Envall received her undergraduate degree in Elementary Education and served as a fourth grade teacher prior to earning her J.D. Ms. Envall has servedin various officer positions for the Florida School Board Attorneys Association. In her spare time, she serves on the Board of Directors for some local non-profit organizations, serves as a Guardian for Honor Flight Central Florida, travels, and is the current President of the Osceola Orchestra. She and her husband, a sworn law enforcement officer, are the proud parents of two children, a dog, and two cats.

David Koperski is the School Board Attorney for Pinellas County Schools. He represents the School Board in all legal matters and is general counsel to the district, providing legal advice to the School Board, Superintendent, and district administration on all matters affecting the operations of the school system. He has worked as an attorney for Pinellas County Schools since 2005. In addition to general corporate representation, Mr. Koperski has represented both school district administrations and school boards in administrative and judicial settings in various matters involving education law. He has served as an Adjunct Instructor with the University of South Florida St. Petersburg, teaching a course in education law in the Masters of Educational Leadership program. Mr. Koperski earned his law degree from the University of Illinois College of Law in 1994, prior to which he earned his undergraduate degree from Drake University. Mr. Koperski has been Board Certified by the Florida Bar as a Specialist in Education Law since 2011, is a Past President and an active member of the Florida School Board Attorneys Association, and was its 2024 recipient of the C. Graham Carothers Award of Excellence, which is presented annually to a Florida school board attorney who has demonstrated excellence in the profession.

Ellen Odom serves as General Counsel to the Escambia County School Board. Ellen graduated from the Cumberland School of Law in Birmingham, Alabama, in 1995. She worked as an assistant public defender, trial court staff attorney, and previously served as General Counsel to the School Board from 2004 to 2007. Ellen is a member of the Escambia-Santa Rosa Bar Association and serves on the Board of Directors for the Florida School Board Attorneys Association. She is an avid sailor.

John Palmerini serves as General Counsel for the Orange County School Board. John has practiced for more than 22 years, the last 15 of which have been spent with the Orange County School Board. Most of John's work was as the Board's Labor and Employment counsel. John has also been a guest speaker before the Florida School Boards Association, the Florida Association of District School Superintendents, the Florida School Board Attorneys Association, the Florida Interscholastic Athletic Administrators Association, the Florida Organization of Instructional Leaders, the Florida Records Management Association, the Florida Educational Negotiators, the Florida Association of School Business Leaders, Association of Legal Administrators and the Orlando Diversity Council. John received a B.S. in Journalism and a B.A. in Political Science from the University of Florida and his J.D. from the University of Florida, Levin College of Law. He is Board Certified Specialist in Education Law and Labor and Employment Law. John is a Past President and active member of the Florida School Board Attorneys Association and was also its 2022 recipient of the C. Graham Carothers Award of Excellence, presented annually to a Florida school board attorney who has demonstrated excellence in the profession.