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DATE: January 11, 2023

TO: Joris M. Jabouin, CPA, Chief Auditor

FROM: Marylin C. Batista, Interim General Counsel, and
Robert Paul Vignola, Deputy General Counsel



SUBJECT: *Records of Lobbying Contacts Made to School Board Members*

This Office has received a request from the November 17, 2022, meeting of the Audit Committee inquiring whether records are maintained regarding lobbying contacts with School Board Members. That question is answered in the affirmative as a means for reporting lobbying contacts of School Board Members and public inspection of such reports is prescribed by School Board Policy 1007.

School Board Policy 1007 – Code of Ethics for School Board Members, states at Rule 1.2(a) as follows:

The following general definitions shall be used for the purposes of this policy: (a) “Lobbyist” means any natural person who was registered with the school district as a lobbyist during the preceding twelve (12) months or who, for compensation, seeks, or sought during the preceding twelve (12) months, to influence the governmental decision-making of The School Board or an official of the school district, or who, for compensation, sought during the preceding twelve (12) months, to encourage the passage, defeat, or modification of any proposal or recommendation by The School Board or an official of the school district.

School Board Policy 1007 – Code of Ethics for School Board Members, states at Rule 4.1 as follows:

Part 4 - School Board Member Contacts with Lobbyists.

4.1 Reporting of Lobbying Activity: School Board Members shall report any and all lobbying activity that knowingly occurs between that School Board Member, and individual lobbyists, or the principal or employer of a lobbyist. For the purposes of this section only, “lobbying activity” only refers to matters in which there would be economic gain to the principal or employer of the lobbyist and, with regard to such matters, shall apply to any communication by a lobbyist (as defined in Rule 1.2(a) of this policy) with a School Board Member for the purpose of influencing any action, non-action, or decision-making; or attempting to obtain the good will

of a School Board Member or attempt to encourage a School Board Member to pass, defeat or modify any proposal or recommendation. Reporting of lobbying activity as defined in this section is mandated for all forms of activity to lobby an individual School Board Member, inclusive of written correspondence or any form of electronic or telephonic communication. School Board Members are not required by this policy to report any contacts made by (1) persons representing school allied groups (e.g., PTA, District Advisory Committee, Band Booster Associations, etc.); (2) persons representing an employee bargaining group (e.g., unions and “meet and confer” groups); (3) public officials or employees and representatives of other 8 governmental agencies acting in their official capacity; (4) attorneys representing a client in a judicial or formal administrative proceeding conducted pursuant to Chapter 120, Florida Statutes (or any other formal hearing before an agency, board, commission or authority of this state); or (5) any person in his or her individual capacity for the purpose of self-representation. This section shall not require School Board Members to report any bulk or transitory communications they have received.

School Board Policy 1007 – Code of Ethics for School Board Members, states at Rule 4.2 as follows:

4.2 Form and Method of Reporting: Except as otherwise required herein, all lobbying reports required under this policy shall be made no later than ten (10) days from the lobbying activity by the lobbyist or their principal or employer. For the purposes of this policy, days are calculated using days during which The School Board’s administration is open and conducting business. However, reports shall be made no later than prior to the commencement of a School Board meeting wherein the matter lobbied on is debated and/or voted upon. Even if the matter is on the consent agenda, disclosure of the lobbying activity is still required prior to voting. All reports shall be in writing and filed with the Supervisor – Official School Board Records on a form substantially similar to the attached SBBC Ethics Form B – School Board Member’s Lobbying Contact Report. At a minimum, said form must list the lobbyist’s name, the principal or employer of said lobbyist, the subject matter of lobbying activity, and the date and location of the lobbying activity. These lobbying activity report forms are public records and are subject to public inspection both in hard copy and also in a searchable manner via the school district’s website.

If the Audit Committee requires any additional guidance regarding the reporting of lobbying contacts pursuant to School Board Policy 1007, please advise this Office at your earliest convenience.

MCB:rpv

C: Aston Henry, Director – Risk Mgmt.

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