



POLICY 1.09

4-A I recommend that the Board adopt the proposed revised Policy 1.09, entitled “Advisory Committees to the Board.”

[Contact: Elizabeth McBride, PX47673; or Bruce Harris, PX48571.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on July 27, 2011.
- The proposed policy provide for the following changes regarding the Board’s advisory committees.
 - Provides for a purpose and policy statement for the policy. See paragraphs 1 and 2.
 - Eliminates Board members and District staff membership on advisory committees. See deleted paragraphs 8 and 9.
 - Establishes operating procedures for all advisory committees by providing for:
 - The appointment, term and removal of committee members. See paragraph 4.
 - A term limitation of four (4) consecutive years for chairs of advisory committee members commencing in January after the adoption of the policy. See paragraph 5b.
 - Operating procedures as initial and annual organizational meetings; the selection of chair and vice-chair; meetings of the committees; establishing a quorum to be a majority of the committee; committee meetings are subject to Sunshine Law; committee records are subject to Public Records Law; and committee members are subject to certain provisions of Florida Code of Ethics. See paragraph 5b.
 - The Superintendent to designate staff to serve as administrative support to a committee, unless otherwise provided for in the committee’s policy. See paragraph 5k.
 - Continues provisions for reports to Board; the use of interactive video or telephone by committee members to attend meetings; and voting of committee members. See paragraph 5 l, m and n.
 - Establishes guidelines for advisory committee members’ communications to media or outside District, on the members’ opinions, views, etc. See paragraph 6.

- Prohibits an advisory committee from obligating the Board to the payment of any funds; provides for the Office of General Counsel to serve as legal advisor to a Board advisory committee; and requires this policy and the policy of an advisory committee to be provided to an appointee. See paragraph 7a, b, and c.
- Establishes that advisory committee decisions are recommendations which are not binding on the Board, and such recommendations must be submitted to the Board for consideration and actions. See paragraph 8.
- Provides for an individual appointed to or nominated for an advisory committee to complete the School Board Advisory Committee Information Form which has been attached and incorporated into the policy. See paragraph 4.a.2
- The School Board Advisory Committee Information Form inquires as to potential conflicts of an appointed or nominated individual, and provides for an individual to seek a waiver of any conflict, by completing the necessary Florida Commission on Ethics form for Board review and approval. See paragraph 5h and attachment.

POLICY 1.09

ADVISORY COMMITTEES TO THE BOARD

- 1
2
3 1. Purpose. To provide guidelines for advisory committees established by
4 the School Board of Palm Beach County (Board) to advise the Board on specific
5 issues pertaining to Palm Beach County public schools.

- 6 2. Policy Statement. The Board believes that the Palm Beach County School
7 District (School District) is strengthened when communities are actively engaged in
8 the education process. In support of this belief, the Board is committed to
9 providing opportunities for responsible community participation in the operation of
10 the school system. Advisory committees provide one means to achieve this
11 objective and allow interested community members to become more effectively
12 involved in the educational process.

- 13 3. ~~1.~~ Establishment of Committees. Advisory committees may be created to
14 advise the Board ~~board~~ on specific matters as determined by the Board ~~which~~
15 ~~require extensive study and discussion.~~ All committees shall be created by written
16 charter and no advisory committee charter shall conflict with the charter of or any
17 other advisory committee created to advise the Board. This policy governs board
18 advisory committees unless a specific policy governing the committee contains
19 contrary language, in which event the specific policy controls and supersedes this
20 policy. All charters shall include the following:
 - 21 a. An explicit statement of the committee's mission or charge which establishes
22 the committee's advisory role.
 - 23 b. ~~Uniform rules of parliamentary procedure, such as Roberts' Rules, under~~
24 ~~which the committee will conduct its meetings.~~
 - 25 b. ~~e.~~ Qualifications for membership and terms of membership on the committee,
26 if the Board desires certain qualifications and/or experiences as a pre-
27 condition for appointment to an advisory committee.
 - 28 c. ~~e.~~ Other matters as determined by the Board. ~~A provision which permits the~~
29 ~~board to modify or terminate the charter before its expiration date upon~~
30 ~~recommendation of the superintendent with stated cause.~~
 - 31 d. ~~Procedure for appointment/reappointment of members.~~
 - 32 e. ~~Expiration date of the charter, if any.~~

- 33 4. 2. Appointment, Term and Removal of Committee Members. The following
34 provisions shall govern the appointment, term of office and removal of members to

35 advisory committees, unless otherwise provided in such policy governing the
36 advisory committee. Such committees shall be advisory only and committee
37 members shall serve in a voluntary capacity. ~~For charters which extend beyond~~
38 one (1) year, the board, upon recommendation by the Superintendent, may review
39 the viability of the charter.

40 a. *Appointment.* Each member of the School Board shall designate an
41 appointment to an advisory committee, or shall appoint a member(s) to an
42 advisory committee consistent with this policy and any membership
43 qualifications as specifically set out in the advisory committee's policy. The
44 School Board will endeavor to appoint advisory committees representative of
45 the diversity of the District.

46 i. *Membership by Organization.* In cases where the Board has determined
47 membership on an advisory committee will be by organization, the
48 organization will be requested to submit nominees for vacancies.
49 However, the final selection of membership remains the responsibility of
50 the School Board.

51 ii. *Committee Form.* Any person appointed to an advisory committee,
52 whether by an appointment of a Board member or nomination by an
53 organization, shall complete the *School Board Advisory Committee*
54 *Information Form*, attached and incorporated hereto.

55 b. *Residency Requirement.* All advisory committee members shall be
56 residents of Palm Beach County.

57 c. *Term of Office.* A committee member who was appointed by a Board
58 member shall be entitled to remain a committee member as long as the
59 appointing Board member serves on the Board, unless otherwise provided for
60 in the advisory committee policy. However, the appointing Board member
61 may exercise his/her discretion to remove such committee member at any
62 time. The Board member shall address all pending vacancies in a reasonable
63 period of time. A committee member may be reappointed by the appointing
64 Board member or by a new Board member for that particular district. If a
65 vacancy exists as to the position of an appointing Board member for a
66 particular district or if the appointing Board member has been replaced by a
67 ~~new Board member~~ for that particular district, the committee member
68 appointed by ~~the prior~~ that Board member may continue to serve as a voting
69 member on the committee until ~~such time as a new committee member is~~
70 ~~appointed the~~ and unless the new Board member for that district decides to
71 remove ~~the~~ that committee member at any time.

72 d. *Compensation.* All members of advisory committees shall serve in a
73 voluntary capacity and shall not be compensated for their services.

- 74 e. Automatic Removal. A committee member will be removed automatically
75 should he or she miss three (3) consecutive regular meetings, unless, by
76 request of the member, the Chair grants compassionate leave due to
77 personal, business, or familial exigency, or other good cause. A periodic
78 report will be made by the advisory committee chair to the Board the regarding
79 the attendance of appointed committee members.
- 80 f. Provision of Policies. Upon adoption of this policy, advisory committee
81 members shall be provided with a copy of this policy and a copy of the
82 advisory committee policy. Upon the appointment of an individual(s) to an
83 advisory committee, the individual(s) shall be provided with a copy of this
84 policy and the advisory committee's charter policy.
- 85 5. ~~3.~~ Advisory Committee Operations and Procedures. All advisory
86 committees shall adhere to the following procedures for the conduct of committee
87 meetings. Otherwise, the committees shall conduct their meetings in accordance
88 with the parliamentary rules of *Robert's Rules of Order*, newly revised, latest
89 edition.
- 90 a. Organizational Meeting. The committee shall, at its initial organizational
91 meeting, select a chairperson and vice ~~co~~-chairperson, and adopt standing
92 rules which shall include meeting dates and times. No standing rules shall be
93 adopted which are contrary to this policy. Thereafter, each advisory
94 committee shall hold an organizational meeting in January of each year.
- 95 b. Committee Chairs Subject to Term Limitation. An advisory committee
96 member selected by committee members to serve as the committee's chair
97 shall be limited to four (4) consecutive years as committee chair. The term
98 limitation for an advisory committee chair as provided for herein shall become
99 effective commencing with the reorganization meeting occurring in January
100 immediately following the adoption of this policy.
- 101 c. Meetings. Advisory committees to the board shall meet at least once
102 monthly, or as otherwise needed to fulfill the committee's duties and
103 responsibilities as provided in the advisory committee's policy designated in
104 the advisory committee policy. Additional meetings may occur as needed.
- 105 d. Meeting Agendas and Minutes.
- 106 i. To facilitate preparation for committee meetings, the agenda and backup
107 materials should be available to members a week in advance of each
108 regular meeting. Special meetings may be called by the committee chair.
109 If a special meeting is called, the agenda and backup materials should be
110 available upon calling and noticing the meeting, at least 48 hours in
111 advance.

- 112 ii. Copies of the approved minutes from all advisory committee meetings
113 shall be forwarded regularly from the staff liaison to the Superintendent
114 and Board members through Clerk of the School Board.
- 115 e. Quorum. A quorum for the transaction of business shall consist of a
116 majority of the full membership of the advisory committee. ~~A quorum shall~~
117 ~~consist of 40% (rounded to the nearest whole number) of the existing advisory~~
118 ~~committee members.~~
- 119 f. Subject to Sunshine Law. All advisory committee meetings shall be subject
120 to Florida's Government in the Sunshine Law as provided in § 286.011, F. S.
- 121 g. Subject to Public Records Law. All documents maintained as public
122 records by persons in their capacity as advisory committee members are
123 subject to public disclosure as required by Chapter 119, Fla. Stat., unless
124 exempt under § 119.07, Fla. Stat. or other statutes.
- 125 h. Public Officers Subject to Code of Ethics, Chapter 112, F.S. By accepting an
126 appointment to an advisory committee of the Board, an individual is a public
127 officer as defined in Sections 112.313(1) and 112.3143(1), Fla. Stat. Thus,
128 each member agrees to be subject to and shall comply with the standards of
129 conduct for public officers and employees set forth in Section 112.313(3) and
130 (7). ~~conflict of interest rules in Chapter 112, Fla. Stat.; the voting conflicts~~
131 ~~prohibitions of Section 112.3143, Fla. Stat.;~~ and pertinent Opinions of the
132 Florida Commission on Ethics. ~~During the time a person is a voting member~~
133 ~~of an advisory committee, that committee member or any company in which~~
134 ~~the member may have a direct financial interest, shall not do business with the~~
135 ~~district, and shall not have a conflicting employment relationship with the~~
136 ~~district, as the committee member is subject to those standards within Fla.~~
137 ~~Stat. § 112.313, and relevant ethics opinions issued by the Florida~~
138 ~~Commission on Ethics.~~
- 139 An individual appointed to or nominated for an advisory committee who has a
140 conflict due to the provisions of Sections 112.313(3) and/or (7), Fla. Stat., shall
141 seek a waiver of such conflict as provided in Section 112.313(12), Fla. Stat.,
142 prior to commencing service on the advisory committee. To seek such a
143 waiver the individual must complete the necessary disclosure form as required
144 by the Florida Commission on Ethics which can be located at
145 <http://www.ethics.state.fl.us/Forms/Form4a.PDF>, and submit to the Board's
146 Clerk for addition to the next available Board agenda for consideration.
- 147 i. Public Participation. Absent permission from the Chair, public comment
148 speakers may address the committee for no longer than three (3) minutes at
149 the appropriate time. The committee, however, may vote to limit the time to a
150 lesser amount due to the volume of speakers or the amount of time scheduled

- 151 for a meeting. ~~Otherwise, every advisory committee.~~
- 152 j. Correspondence to Board. Correspondence between the Board and its
153 committees shall be conducted by the Board Chair.
- 154 k. Staff Support for Committee. ~~Unless otherwise provided in the advisory~~
155 committee's policy. The the Superintendent will designate a staff member to
156 provide administrative support to the committee. This support staff will be
157 responsible for scheduling meetings, taking meeting minutes and maintaining
158 the records of the committee. Additional staff members may be assigned to
159 the advisory committee by the Superintendent as needed or requested by the
160 advisory committee, to assist the members and answer questions. No voting
161 committee member shall direct staff. Any requests for services shall be
162 directed to the Superintendent/designee or Board.
- 163 l. Reports. Reports of the findings, conclusions, or recommendations of
164 advisory committees shall be made to the School Board, and Superintendent
165 on an annual basis or more often if required. The committee will present
166 reports to the Board that may include dissenting viewpoints. Whenever a
167 recommendation of the committee on a substantive issue is reported to the
168 Board and the recommendation was not unanimous, the basis for the majority
169 and minority positions should be brought to the attention of the Board at the
170 same Board meeting in which the recommendation was made.
- 171 m. Participation in Meetings Interactive Video or Telephonically. Advisory
172 committee members may attend meetings and participate at meetings through
173 the use of an interactive video and/or telephone systems, as long as a quorum
174 of advisory committee members are physically present at the meeting. Voting
175 members of the committee may participate and vote by use of electronic
176 media technology to allow a member of the committee who is not physically
177 present to attend the meeting, in those instances where the committee
178 member is confined to home or hospital due to illness or accident or in those
179 situations where the committee member's absence is due to a death or
180 serious illness of an immediate family member. ~~Any other situations which~~
181 ~~cause a committee member to be absent from a meeting will require a vote by~~
182 ~~majority of the committee, based only on extraordinary circumstances as~~
183 ~~required by law, to allow the committee member to participate by the above~~
184 ~~referenced technology.~~
- 185 n. Voting of Committee Members. A unanimous vote will be considered if all
186 committee members voting (not abstaining due to potential conflict of interest)
187 audibly vote "yes", show by hands a "yes," or all those who are voting and
188 present have indicated a "yes" vote on the e-agenda system, or if they remain
189 silent it will also mean consent (unless they abstained due to a potential
190 conflict of interest.) However, if a member votes "no' on the e-agenda, audibly,

191 or by a show of hands, it will then be considered a split vote. If a vote is evenly
192 tyed for and against a measure, such tie vote shall defeat the measure. For
193 each vote, the Chair or acting chair shall announce the vote, and the names of
194 any member in dissent, after it is tabulated.

195 6. **Guidelines for Communications outside the School District.** The School
196 Board encourages the free flow of ideas and opinions within advisory committees.
197 However, members of the advisory councils or committees shall not represent their
198 personal actions, views, statements, etc., as those of the committee or the School
199 Board. In communicating with the media, members of the general public, other
200 individuals or institutions, members must exercise caution to ensure that, unless
201 authorized by the committee, they specifically indicate that any expressed opinions
202 or views are, in fact, their own. [The provisions herein governing a committee](#)
203 [member's personal actions, opinions, views, statements, etc., do not prohibit a](#)
204 [committee member from discussing decisions of the committee.](#) ~~Advisory~~
205 ~~committee members shall serve only in a voluntary capacity. All advisory~~
206 ~~committee members shall be residents of Palm Beach County.~~

207 7. **Other.**

208 a. Except as specifically authorized by the Board, advisory committees shall not
209 obligate the Board for the payment of any funds.

210 b. The Board office, with the cooperation of the staff liaison designated by the
211 Superintendent, shall ensure that all advisory committee members shall
212 receive a copy of this policy and a copy of the advisory committee policy of the
213 advisory committee to which the individual was appointed.

214 c. The Office of General Counsel shall serve as legal advisor to an advisory
215 committee of the Board.

216 d. The Office of General Counsel shall develop and deliver, or contract with the
217 Florida Commission on Ethics or other entity, to develop and deliver, ethics
218 training programs for members of advisory committees. Such training
219 programs shall be delivered in a timely and efficient manner.

220 8. **Limitation of Advisory Committees**

221 The Board possesses certain legal powers and prerogatives, which cannot be
222 delegated or surrendered to others. Recommendations of an advisory committee
223 are not, therefore, binding on the Board and must be submitted to the Board for
224 consideration and action.

225 5. ~~Unless otherwise specified in the charter, a member who was nominated by a~~
226 ~~board member shall be entitled to remain a committee member as long as the~~
227 ~~nominating board member serves on the board. However, the nominating board~~

228 ~~member may exercise his/her discretion to remove such committee member at any~~
229 ~~time. The board shall address all pending vacancies in a reasonable period of time.~~
230 ~~A committee member may be reappointed on recommendation of the appointing~~
231 ~~person or entity, as approved by the board, unless the charter of the committee~~
232 ~~provides otherwise. If a vacancy exists as to the position of an appointing Board~~
233 ~~member for a particular district, the Committee members appointed by that Board~~
234 ~~member may continue to serve as voting members on the Committee until and~~
235 ~~unless the new Board member for that district decides to remove that Committee~~
236 ~~member at any time.~~

237 6. ~~Advisory committees should not be appointed to advise on matters requiring a~~
238 ~~decision by the board unless adequate time is available for a thorough study by the~~
239 ~~committee.~~

240 7. ~~Upon the board's approval of nomination, the board shall appoint as voting~~
241 ~~members of advisory committees from names submitted by the superintendent,~~
242 ~~board members, or any other source the board deems appropriate as set forth in~~
243 ~~the committee's charter. If there are staff members on the committee, they shall~~
244 ~~constitute a minority of committee membership. Board members may serve in a~~
245 ~~non-voting capacity on advisory committees. The board attorney/designee may be~~
246 ~~invited to attend committee meetings and render legal advice.~~

247 8. ~~Members of advisory committees should be representative of the entire community.~~
248 ~~A lay member shall serve as chair.~~

249 9. ~~Members of advisory committees are subject to the conflict of interest rules in~~
250 ~~Chapter 112, Fla. Stat.~~

251 10. ~~During the time a person is a voting member of an advisory committee, that~~
252 ~~committee member or any company in which the member may have a direct~~
253 ~~financial interest, shall not do business with the district, and shall not have a~~
254 ~~conflicting employment relationship with the district, as the committee member is~~
255 ~~subject to those standards within Fla. Stat. § 112.313, and relevant ethics opinions~~
256 ~~issued by the Florida Commission on Ethics.~~

257 11. ~~All documents maintained as public records by persons in their capacity as~~
258 ~~committee members are subject to public disclosure as required by Chapter 119, F.~~
259 ~~S., unless exempt under Fla. Stat § 119.071 or other statutes.~~

260 12. ~~All advisory committee meetings shall be subject to the open meeting Sunshine~~
261 ~~provisions of § 286.011, F. S.~~

262 13. ~~The board shall appoint one of its members to provide liaison with and serve as a~~
263 ~~non-voting ex officio member of each of its committees; however, all board~~
264 ~~members shall be encouraged to attend meetings of various committees at their~~
265 ~~convenience.~~

- 266 14. ~~The superintendent shall appoint one or two staff members to serve as liaison~~
267 ~~between the superintendent and board committees, and serve as non-voting ex-~~
268 ~~officio members. The person(s) serving in this capacity shall meet or~~
269 ~~communication with committees, keep informed as to committee activities, provide~~
270 ~~for the use of resources, and advise in the preparation of reports. The staff~~
271 ~~member(s) shall report all committee activities directly to the superintendent. The~~
272 ~~Superintendent shall designate staff to provide administrative support to the~~
273 ~~committee. This support staff will be responsible for scheduling meetings, taking~~
274 ~~meeting minutes and maintaining the records of the committee. Correspondence~~
275 ~~between the board and its committees shall be conducted by the board chairman.~~
- 276 15. ~~The committee shall serve only as an advisory body. No voting committee member~~
277 ~~shall direct staff. Any requests for services shall be directed to the superintendent.~~
- 278 16. ~~The board shall see that the public is made aware of the services and~~
279 ~~recommendations rendered by advisory committees as required by law.~~
- 280 17. ~~Reports of the findings, conclusions, or recommendations of advisory committees~~
281 ~~shall be made to the School Board, superintendent and staff on an annual basis or~~
282 ~~more often if required.~~
- 283 18. ~~The superintendent shall maintain a record of all existing advisory committees and~~
284 ~~their chairs.~~
- 285 19. ~~Voting Members will be removed automatically should they miss three consecutive~~
286 ~~regular meetings, unless, by request of the member, the Chair grants~~
287 ~~compassionate leave due to personal, business, or familial exigency. A quarterly~~
288 ~~report will be made to the Board regarding the attendance of appointed committee~~
289 ~~members.~~
- 290 20. ~~Under the following circumstance, voting Committee members may attend~~
291 ~~meetings and participate at meetings through the use of an interactive video and/or~~
292 ~~telephone systems, as long as a quorum of voting Committee members are~~
293 ~~physically present at the meeting. Voting members of the Committee may~~
294 ~~participate and vote by use of electronic media technology to allow a member of~~
295 ~~the Committee who is not physically present to attend the meeting, in those~~
296 ~~instances where the Committee member is confined to home or hospital due to~~
297 ~~illness or accident or in those situations where the Committee member's absence is~~
298 ~~due to a death or serious illness of an immediate family member. Any other~~
299 ~~situations which cause a Committee member to be absent from a meeting will~~
300 ~~require a vote by majority of the Committee, based only on extraordinary~~
301 ~~circumstances as required by law, to allow the Committee member to participate by~~
302 ~~the above referenced technology.~~
- 303 21. ~~A unanimous vote will be considered if all Committee members voting (not~~
304 ~~abstaining due to potential conflict of interest) audibly vote "yes", show by hands a~~

305 ~~"yes," or all those who are voting and present have indicated a "yes" vote on the e-~~
306 ~~agenda system, or if they remain silent it will also mean consent (unless they~~
307 ~~obtained due to a potential conflict of interest.) However, if a member votes "no"~~
308 ~~on the e-agenda, audibly, or by a show of hands, it will then be considered a split~~
309 ~~vote. If a vote is evenly tied for and against a measure, such tie vote shall defeat~~
310 ~~the measure. For each vote, the Chair or acting chair shall announce the vote, and~~
311 ~~the names of any member in dissent, after it is tabulated.~~

312 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42(23);
313 1001.43(10)
314 LAWS IMPLEMENTED: Fla. Stat. §§ 286.011; 112.313; 218.415; 1001.32(2);
315 1001.41(1); 1001.43(2) & (10)
316 HISTORY: 02/18/72; 07/21/82; 02/4/98 (as Policy2.08); 02/25/2002 (as P-1.09);
317 8/27/08; __/ __ 2008

Legal Signoff:

The Legal Department has reviewed proposed Policy 1.09 and finds it legally sufficient for adoption by the Board.

Attorney

Date



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

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

Committee recommended for or appointed to _____

Recommended or appointed by _____

Name _____ Home Phone or Cell _____

Mailing Address _____

City _____ State _____ Zip Code _____

E-mail _____ Work Phone _____

Employer _____

Employer Address _____

City _____ State _____ Zip Code _____

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

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

If "Yes" above, explain: _____

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

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

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

Signature Date

COMPLETED BY BOARD'S OFFICE ONLY
Date filed _____

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

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

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP. --

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

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

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

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

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

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

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