

Subject: RE: Informal Advisory Opinion Request-FCSBM
From: "Anderson, Chris" <ANDERSON.CHRIS@leg.state.fl.us>
Date: Mon, Nov 30, 2015 11:28 am
To: Shawn Frost

Mr. Frost,

We appreciate the inquiry, below. This email is the response to the inquiry. Your questions are addressed via numbering corresponding to the numbering of the inquiry.

1. Since Commission on Ethics Rule 34-7.025, Florida Administrative Code, viewable at www.ethics.state.fl.us, contemplates a "menu" ("training shall include one or more of the following") approach to satisfying the ethics portion of required training, watching/listening of the 1 hour and 38 minute (98 minute) tutorial apparently would satisfy nearly two "hours" (see Question 3 of CEO 13-15, viewable on the Commission's website) of ethics training. Then, if an additional 102 minutes, or more, of training were put with the 98 minutes, the 4 hour annual requirement apparently would be satisfied; and CEO 13-24 describes AN acceptable mix (course content) for the total four hours, between the ethics content and the public records/Sunshine Law content. But, in sum, it appears that taking all four of the items mentioned in your question 1 would satisfy the requirement, if taken all within one calendar year.
2. Taking the 4 hours is required; assessment and grading is not required.
3. No particular type of memorialization is required. I suggest some sort of writing (email, certificate, etc.), reciting dates training taken, name of Board member, name of course/presentation, content of course/presentation, length of course/presentation, etc., such that the writing could be a self-authenticating document (business record, official record), should a member need to prove in the future that they took required training.
4. The Coalition could facilitate documentation as described in 3, above.

From the Commission's Rule on training, its CEOs, and other information on its website discussing training, it can be seen that training is readily available via many mediums and is not unnecessarily rigid in content. However, as stated in CEO 13-15, Question 2, last paragraph, a Board member's self-directed learning program, reviewing materials he or she selects independently, will not count toward the required training. Thank you for contacting us; and please contact me further if you have additional questions.

Sincerely,

Chris Anderson

C. Christopher Anderson, III
General Counsel and Deputy Executive Director
Florida Commission on Ethics
(850) 488-7864

From: Shawn Frost
Sent: Tuesday, November 17, 2015 2:05 PM
To: Anderson, Chris <ANDERSON.CHRIS@leg.state.fl.us>
Cc: Erika Donalds
Subject: Informal Advisory Opinion Request-FCSBM

Attn: Mr. Chris Anderson, General Counsel, Florida Commission on Ethics
RE: Informal Advisory Opinion Request
November 17, 2015

Dear Mr. Anderson,

As Vice President of and at the direction of the Executive Board, as well as on behalf of the members of the Florida Coalition of School Board Members (FCSBM), I am requesting an informal advisory opinion on the annual ethics training set forth in Section 112.3142, F.S.

1. Would reviewing the following materials found on the Ethics Commissions' website <http://www.ethics.state.fl.us/Training/Training.aspx> enumerated below satisfy the content areas and duration necessary for Elected School Board Members?

- **Code of Ethics for Public Officers and Employees Video Tutorial** Found at hyperlink: <http://thefloridachannel.org/videos/1715-ethics-training-senators/> (1 hour and 38 minutes) This counts for almost two hours (100 minutes is 2 hours)

- **Local Public Officers – voting conflicts-** found at: <http://www.ethics.state.fl.us/Documents/Ethics/Images/VotingConflictsLocalOfficers.mp4> 1 hour:

- **Public Records and Public Meetings-** found at <http://thefloridachannel.org/videos/12115-ethics-training-senators/> This **One Hour Video** covers document storage and retention as well as modern electronic records.

- **Audio presentation on Financial Disclosure,** found at - <http://www.ethics.state.fl.us/Documents/Ethics/Images/FinancialDisclosureLaws.mp3> run time 35 minutes

2. Must a formal assessment be administered and graded at the conclusion of the educational experience? If so, what percentage of correct responses would be required for a learner to be considered proficient?

3. What type of memorialization of completion of training would be required or advised. Specifically, may an Elected School Board Member retain their own records or must a third party memorialize the satisfaction of these requirements via printed or electronically mailed memorandum?

4. Can the third party, in this case the FSBM, simply serve a ministerial role in recording the School Board Member's attestation of completion of the materials outlined in section one above?