



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	Sep 7 2016 10:15AM - Regular School Board Meeting
AGENDA ITEM	CONSENT ITEMS
CATEGORY	H. OFFICE OF THE GENERAL COUNSEL
DEPARTMENT	Office of the General Counsel

Special Order Request
<input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda
<input type="radio"/> Yes <input checked="" type="radio"/> No

ITEM No.:
H-1.

TITLE:
Authorization for General Counsel to Request Legal Opinion from the Attorney General's Office

REQUESTED ACTION:
Authorize the General Counsel to request a legal opinion from the Attorney General on Sections 1010.04(2) Florida Statutes, Purchasing, and Section 287.057(1), Florida Statutes, Procurement of Commodities or Contractual Services, and Section 4.4(2)(e), State Rules for Educational Facilities (SREF).

SUMMARY EXPLANATION AND BACKGROUND:
Section 1010.04(2), Florida Statutes, permits district school boards to make purchases through an online procurement system, an electronic auction services, or other efficient procurement tool. The use of such systems, services or tools appears to be inconsistent with Section 297.057(1), Florida Statutes, and SREF Section 4.2(2)(e) which state that bids, responses and replies should be publicly opened. In order to resolve inconsistencies that appear to exist between these statutes and that rule, the General Counsel's office requests that The School Board authorize presentation to the Florida Attorney General's Office of the questions raised in the attached draft letter. The procedures of the Attorney General's Office require that any request for a legal opinion submitted by a public board be approved by a majority vote of the board's members.

SCHOOL BOARD GOALS:

Goal 1: High Quality Instruction
 Goal 2: Continuous Improvement
 Goal 3: Effective Communication

FINANCIAL IMPACT:
There is no financial impact to the District for this item.

EXHIBITS: (List)
(1) Request for Legal Opinion from the Florida Attorney General's Office

BOARD ACTION:

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Barbara J. Myrick, Esq.	Phone: 754-321-2050
Name: Robert Paul Vignola, Esq.	Phone: 754-321-2050

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Barbara J. Myrick - General Counsel

Signature

Approved In Open Board Meeting On: _____

By: _____
School Board Chair