

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

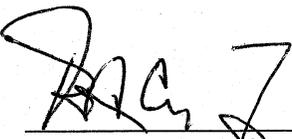
DATE: (Second Reading 10-10-06)
June 20, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance relating to
Conflict of Interest and Code
of Ethics Ordinance; to
increase fines that may be
assessed by the Ethics
Commission

O#06-148

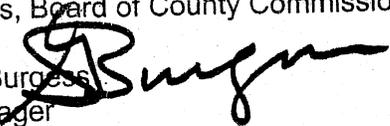
The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Joe A. Martinez and Commissioner Sally A. Heyman.


for: Murray A. Greenberg
County Attorney

MAG/bw

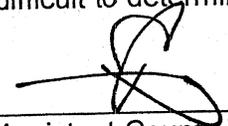
Memorandum



Date: October 10, 2006
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess
County Manager 
Subject: Ordinance Relating to Conflict of Interest and Code of Ethics Ordinance

The ordinance amending Section 2-11.1 (BB) of the Code of Miami-Dade County to increase fines that may be assessed by the Ethics Commission may have a positive fiscal impact to Miami-Dade County.

This proposed ordinance if implemented would require an individual that committed an ethics violation to pay an increased fine. However, the number of fines issued for ethics violations in a given year cannot be estimated and an increase in the fines may serve to discourage violations. Therefore, it is difficult to determine the additional revenues to be generated from the increased fines.



Assistant County Manager

Fiscal00406



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 10, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Amended

Veto _____

Agenda Item No. 7(A)

Override _____

10-10-06

ORDINANCE NO. 06-148

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(BB) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO INCREASE FINES THAT MAY BE ASSESSED BY ETHICS COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Section 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(bb) Penalty.

(1) *Proceeding before Ethics Commission.* A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of ~~[[two hundred and fifty]]~~ >>five hundred<< dollars (\$~~[[250.00]]~~>>500.00<<) for the first such violation and ~~[[five hundred dollars]]~~ >>one thousand dollars<< (\$~~[[500.00]]~~>>1,000.00<<) for each subsequent violation. >>Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars (\$500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section.<< The Ethics Commission may also order the person to pay restitution when the

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

person or a third party has received a pecuniary benefit as a result of the person's violation. The procedure for determining restitution shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(2) *Prosecution by State Attorney in State Court.* Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

Section 2. If any section, subsection, sentence, cause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word ordinance may be changed to "section", "article" or other appropriate word.

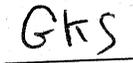
Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Sponsored by Chairman Joe A. Martinez
and Commissioner Sally A. Heyman