

# MEMORANDUM

Agenda Item No. 7(G)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** (Second Reading 6-4-13)  
April 2, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance relating to Citizens'  
Bill of Rights; amending Sec.  
2-1072 of the Code; to provide  
penalties for violation of  
Citizens' Bill of Rights

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.

  
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R. A. Cuevas, Jr.  
County Attorney

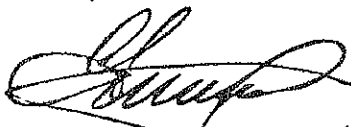
RAC/jls

# Memorandum



**Date:** June 4, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Relating to Citizens' Bill of Rights; Amending Section 2-1072 of the Code;  
to Provide Penalties for Violation of Citizens' Bill of Rights

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The proposed ordinance amends Section 2-1072 of the Code and provides for penalties for violation of Citizens' Bill of Rights and authorizes the Commission on Ethics to impose penalties contained in Section 2-11.1 (cc)(1) of the Code. Implementation of this ordinance may add revenue to the County from the imposition of new penalties, however, at this time, it is very difficult to estimate any amount.



Inson Kim  
Director of Policy and Legislative Affairs

Fis4613



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(G)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(G)

Veto \_\_\_\_\_

6-4-13

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO CITIZENS' BILL OF RIGHTS;  
AMENDING SECTION 2-1072 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA, TO PROVIDE PENALTIES FOR  
VIOLATION OF CITIZENS' BILL OF RIGHTS;  
AUTHORIZING MIAMI-DADE COUNTY COMMISSION ON  
ETHICS AND PUBLIC TRUST TO IMPOSE PENALTIES  
CONTAINED IN SECTION 2-11.1(cc)(1) OF THE CODE;  
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 2-1072 of the Code of Miami-Dade County, Florida, is hereby  
amended to read as follows:<sup>1</sup>

CHAPTER 2

ARTICLE LXXVIII COMMISSION ON ETHICS AND  
PUBLIC TRUST

\* \* \*

**Sec. 2-1072. Powers and duties of the Ethics Commission.**

(a) The Ethics Commission shall be authorized to exercise  
such powers and shall be required to perform such duties as  
are hereinafter provided. The Ethics Commission shall be  
empowered to review, interpret, render advisory opinions  
and letters of instruction and enforce the County and  
municipal:

(1) Code of Ethics Ordinances;

<sup>1</sup> 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.

- (2) Conflict of Interest Ordinances;
- (3) Lobbyist Registration and Reporting Ordinances;  
[[and]]
- (4) Ethical Campaign Practices Ordinance[[.]]>>; and
- (5) Citizens' Bill of Rights.<<

(b) ~~[[The Ethics Commission shall be empowered to review, interpret and render advisory opinions regarding the applicability of the Citizens' Bill of Rights as provided in Section 2-1074.]]~~ >>Violations of the Citizens' Bill of Rights are subject to the penalties set out in Section 2-11.1(cc)(1) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.<<

\* \* \*

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

\* \* \*

(cc) *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 five hundred dollars (\$500.00) for the first such violation and one thousand dollars (\$1,000.00) for each subsequent violation. Where the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars (\$1,000.00) for the first such violation and two thousand dollars (\$2,000.00) 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 person or a third party has received a pecuniary benefit as a result of the person's

governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

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

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.

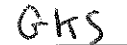
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Chairwoman Rebeca Sosa