

# MEMORANDUM

Agenda Item No. 7(B)

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

**DATE:**

(Second Reading 10-7-14)  
July 15, 2014

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

**SUBJECT:**

Ordinance relating to Conflict of Interest and Code of Ethics amending Section 2-11.1(q) of the Code relating to prohibition on lobbying after County Service for elected and employed officials and employees

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** October 7, 2014

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Ordinance relating to Conflict of Interest and Code of Ethics ordinance; amending Section 2-11.1(Q) of the Code of Miami-Dade County, Florida, relating to prohibition on lobbying after county service; increasing prohibition to four years after County service for elected and employed officials and employees; providing for exceptions; amending definition of covered County officials

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The proposed ordinance increases prohibition of lobbying to four years after County service for elected and employed officials and employees. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Insoon Kim", written over a horizontal line.

Insoon Kim  
Director of Policy and Legislation

Fis9314



# MEMORANDUM

(Revised)

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

**DATE:** October 7, 2014

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

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

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)  
10-7-14

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

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(q) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO PROHIBITION ON LOBBYING AFTER COUNTY SERVICE; INCREASING PROHIBITION TO FOUR YEARS AFTER COUNTY SERVICE FOR ELECTED AND EMPLOYED OFFICIALS AND EMPLOYEES; PROVIDING FOR EXCEPTIONS; AMENDING DEFINITION OF COVERED COUNTY OFFICIALS; 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(q) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

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

\* \* \*

(q) *Continuing application for* ~~[[two (2)-year]]~~ >>four (4)<< years after County service.

(1) No person who has served as an elected County official ~~[[i.e.,]]~~ >>(e.g., a<<Mayor[[;]]>>or<< County Commissioner>>)<< or a member of the staff of an elected County official, or as ~~[[County Manager, senior assistant to the County Manager,]]~~ >>a<< department director, departmental personnel or employee shall, for a period of >>four (4) years<<[[two (2)-years]] after his or her County

<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.

service or employment has ceased, lobby any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of ~~two (2) years~~ four (4) years after his or her County service or employment has ceased, lobby, with regard to any zoning or land use issue, any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this Subsection from submitting a routine administrative request or application to a County department or agency during the ~~two (2) year~~ four-year period period after his or her County service has ceased.

- (2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities and who lobby on behalf of such entities in their official capacities.
- (3) The provisions of this ~~Subsection (q)(1)~~ shall apply to all individuals as described ~~therein~~ therein ~~in Subsection (q)(1)~~ who leave the County after the effective date of ~~the~~ this ordinance ~~from which this section derives~~.
- (4) ~~No~~ No former County ~~official~~ official.

officer, departmental personnel or employee who has left the County within two (2) years prior to the effective date of this ordinance >>shall, for a period of two (2) years after leaving the County, lobby any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member within two (2) years prior to the effective date of this ordinance shall for a period of two (2) years after leaving the County, lobby, with regard to any zoning or land use issue, any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(3) shall prohibit any individual included within the provisions of this Subsection from submitting a routine administrative request or application to a County department or agency during the two (2) year period after his or her County service has ceased.<< ~~[[and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her County service has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former County officer, departmental personnel or employee who has left the County within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two years after his or her County service or employment has ceased enter into a lobbying contract to lobby any County~~

~~officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise during his or her County service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise during his or her County service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise during his or her County service or employment. Former County officers, departmental personnel and employees who have left the County within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of Inspector General prior to lobbying any County officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the County. The Inspector General shall verify the accuracy of each affidavit executed by former County officers, departmental personnel or employees.]]~~

- (5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection >>(cc)(1)<< [[(u)(1)]] or Subsection >>(cc)(2)<< [[(u)(2)]].

\* \* \*

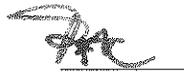
**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**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:

GKS

Gerald K. Sanchez

Prime Sponsor: Vice Chair Lynda Bell