Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(46)

04-24-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-467-07

RESOLUTION URGING FLORIDA LEGISLATURE TO AMEND FLORIDA STATUTES AND THE FLORIDA COMMISSION ON ETHICS TO AMEND ITS RULES TO REQUIRE COMMISSION ON ETHICS TO DISMISS ANY COMPLAINT WHERE THE MIAMI-DADE COUNTY ETHICS COMMISSION HAS DISPOSED OF A PARALLEL COMPLAINT FILED BY THE SAME PARTY AND ARISING OUT OF A COMMON SET OF FACTS

WHEREAS, on March 12, 1996, Miami-Dade County voters approved an amendment to the Citizens' Bill of Rights which required the Miami-Dade County Board of County Commissioners ("County Commission") to create the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission"); and

WHEREAS, on July 8, 1997, the County Commission adopted an ordinance creating the Ethics Commission; and

WHEREAS, the Ethics Commission provides a local forum for the full and fair consideration of alleged ethical violations; and

WHEREAS, the possibility exists that a person could, based upon the same set of facts, file an ethics complaint with both the Florida Commission on Ethics and the Miami-Dade County Ethics Commission (hereinafter "parallel complaints"); and

WHEREAS, the consideration of parallel complaints by the Miami-Dade County Ethics Commission and the Florida Commission on Ethics is an inefficient use of limited resources and may result in both conflicting outcomes and undue hardship to the person accused of a violation; and

WHEREAS, the Florida Legislature should amend Florida Statutes to require the Florida Commission on Ethics to dismiss a complaint where the Miami-Dade County Ethics Commission has disposed of a parallel complaint after a full and fair proceeding,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board urges the Florida Legislature to amend Florida Statutes to require the Florida Commission on Ethics to dismiss a complaint where: (1) the complaining party filed a parallel complaint, arising out of a common nucleus of operative facts, with the Miami-Dade County Ethics Commission which resulted in a finding of no probable cause or a final order disposing of the complaint; (2) the State law upon which the Florida Commission on Ethics complaint is based is not materially different from the provisions of the County or municipal ordinance applied by the Miami-Dade County Ethics Commission when resolving the parallel complaint; and (3) the proceedings before the Miami-Dade County Ethics Commission regarding the parallel complaint were full and fair.

Section 2. This Board urges the Florida Commission on Ethics to amend its rules to require the Commission on Ethics to dismiss a complaint where: (1) the complaining party filed a parallel complaint, arising out of a common nucleus of operative facts, with the Miami-Dade County Ethics Commission which resulted in a finding of no probable cause or a final order disposing of the complaint; (2) the State law upon which the Florida Commission on Ethics complaint is based is not materially different from the provisions of the County or municipal ordinance applied by the Miami-Dade County Ethics Commission when resolving the parallel complaint; and (3) the proceedings before the Miami-Dade County Ethics Commission regarding the parallel complaint were full and fair.

Section 3. The Clerk of the Board is directed to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the chair and members of the Miami-Dade State Legislative Delegation and to the Florida Commission on Ethics. The Board further directs the County's state lobbyists to advocate for the issues identified in this resolution, and directs the Office of Intergovernmental Affairs to include this item in the 2007 and 2008 state legislative packages.

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The foregoing resolution was sponsored by Commissioner Rebeca Sosa and offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gerald K. Sanchez

MEMORANDUM

Agenda Item No. 11(A)(46)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	April 24, 2007
FROM:	Murray A. Greenberg County Attorney	**SUBJECT:**	Resolution urging the Florida Legislature to amend Florida Statutes when a parallel complaint is filed with Florida Commission on Ethics and Miami-Dade County Ethics Commission

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.

Murray A. Greenberg
County Attorney

MAG/dcp

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 11(A)(46)

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**