

MEMORANDUM

Agenda Item No. 5(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Public Hearing: 10-16-24)
October 1, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending section 2-11.1 of the Code; revising ethics training requirements for certain public officials to include topics specified under state law and to specify duration requirement for such training; clarifying that the Ethics Commission shall prepare certificates of completion for ethics training courses; directing the County Mayor regarding facilitating ethics trainings through online means

Ordinance No. 24-112

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.


Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 16, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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
- ☒ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) 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. 5(A)
10-16-24

ORDINANCE NO. 24-112

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING ETHICS TRAINING REQUIREMENTS FOR CERTAIN PUBLIC OFFICIALS TO INCLUDE TOPICS SPECIFIED UNDER STATE LAW AND TO SPECIFY DURATION REQUIREMENT FOR SUCH TRAINING; CLARIFYING THAT THE ETHICS COMMISSION SHALL PREPARE CERTIFICATES OF COMPLETION FOR ETHICS TRAINING COURSES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING FACILITATING ETHICS TRAININGS THROUGH ONLINE MEANS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 1996, Miami-Dade County residents voted to amend the Home Rule Charter to create an ethics commission; and

WHEREAS, subsequently, the Board enacted Ordinance No. 97-105, establishing the Miami-Dade County Commission on Ethics and Public Trust (the "Ethics Commission"), an independent agency with advisory and quasi-judicial powers that is charged with interpreting and enforcing the County's ethics rules; and

WHEREAS, these ethics rules are set forth in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Ethics Ordinance"), which is codified in section 2-11.1 of the County Code; and

WHEREAS, among other things, the Ethics Ordinance requires that certain County officials and employees receive ethics training to ensure familiarity and compliance with specified ethical requirements; and

WHEREAS, in addition, section 112.3142 of the Florida Statutes requires certain constitutional officers, including County Commissioners, to “complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state”; and

WHEREAS, the statute further provides that “[t]his requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered”; and

WHEREAS, section 332.0075(4)(b) of the Florida Statutes provides an identical ethics training requirement applicable to members of the governing body of any commercial service airport, and further provides that “[c]onstitutional officers and elected municipal officers who are members of the governing body who complete the ethics training required in [section] 112.3142 shall be considered in compliance” with section 332.0075(4)(b); and

WHEREAS, this Board wishes to amend the Ethics Ordinance to specify that the ethics training provided by the Ethics Commission to County Commissioners and the County Mayor shall include all topics required by section 112.3142 of the Florida Statutes, in addition to the other matters currently included in such training, and shall be four hours in length or such other duration as provided by statute; and

WHEREAS, this Board also wishes to clarify that the certificate of completion for the ethics training course shall be prepared by the Ethics Commission; and

WHEREAS, this Board wishes to direct the County Mayor’s administration to coordinate with the Ethics Commission to facilitate the offering of ethics trainings through online means,

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

Section 1. The foregoing recitals are hereby approved and incorporated herein.

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

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

* * *

(bb) *Affidavit and Ethics Course.*

>>(1)<< Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office.

>>(2)<< Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). >>Thereafter, each member of the Board of County Commissioners and the County Mayor shall annually complete the Ethics Course and submit to the Clerk of the Board a certificate of completion.

(3)<< Each employee of the County, as defined in subsections (b)(5) and (b)(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by 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.

County, submit to the Clerk of the Board a certificate of completion of an Ethics Course offered by the Miami-Dade County Commission on Ethics and Public Trust. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion.

>>(4) The certificate of completion referenced in this subsection (bb) shall be prepared by the Miami-Dade County Commission on Ethics and Public Trust and given to each person upon completion of the required Ethics Course.

(5)<< The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; the Public Records Law and the Citizens' Bill of Rights. >>For members of the Board of County Commissioners and the County Mayor, the Ethics Course shall also include the topics specified in section 112.3142, Florida Statutes, as may be amended from time to time, and shall be four hours in length each calendar year or such other duration as provided by statute.

(6)<< The requirements of this subsection (bb) relating to the Ethics Course for employees shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

* * *

Section 3. This Board directs the County Mayor or County Mayor's designee to coordinate with the Ethics Commission to facilitate the offering of ethics trainings through online means.

Section 4. 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 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of section 2 of this ordinance, including any sunset provision, shall

become and be made a part of the Code of Miami-Dade County, Florida, and that the remaining sections shall not be made a part of the Code. 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 6. 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:

October 16, 2024

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



James Eddie Kirtley
Tricia-Gaye Cotterell

Prime Sponsor: Chairman Oliver G. Gilbert, III