

MEMORANDUM

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners


DATE: Agenda Item No. 5(C)
(Public Hearing: 5-6-25)
March 18, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Employee Protection
Ordinance; amending
Division 6 of Article IV of
Chapter 2 of the Code;
revising the Employee
Protection Ordinance to
extend protections to County
employees who report
violations of certain County
ethics rules and regulations

Ordinance No. 25-38

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Micky Steinberg and Co-Sponsor Commissioner Marleine Bastien.



Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: May 6, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Employee Protection Amending Division
6 Article IV of Chapter 2

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to read "C Edwards", with a horizontal line underneath.


Carladenise Edwards
Chief Administrative Officer

Memorandum



Date: May 6, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Amendment relating to the County Employee Protection Ordinance; amending Division 6 of Article IV of Chapter 2 of the Code; revising the Employee Protection Ordinance to extend protections to County employees who report violations of certain County ethics rules and regulations

This Ordinance amends Division 6 of Article IV of Chapter 2 of the Miami-Dade County Code which revises the Employee Protection Ordinance to extend protections to County employees who report violations of certain County ethics rules and regulations.

This amendment reinforces and strengthens the Employee Protection Ordinance which promotes a culture of ethical and transparent governance. Expanding employee protections when reporting not only unlawful activity, misfeasance, and malfeasance, but any potential violations of the County's ethics rules could further encourage County employees to uphold the utmost ethical standards. The amendment to this Ordinance could provide a social benefit to the residents of Miami-Dade County because these actions would create reasons for increasing the public trust and fostering confidence in county government.

A handwritten signature in blue ink, appearing to read "Carladenise Edwards". The signature is written in a cursive style and is positioned above a horizontal line.

Carladenise Edwards
Chief Administrative Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(C)

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(C)
5-6-25

ORDINANCE NO. 25-38

ORDINANCE RELATING TO THE EMPLOYEE PROTECTION ORDINANCE; AMENDING DIVISION 6 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE EMPLOYEE PROTECTION ORDINANCE TO EXTEND PROTECTIONS TO COUNTY EMPLOYEES WHO REPORT VIOLATIONS OF CERTAIN COUNTY ETHICS RULES AND REGULATIONS; PROVIDING SEVERABILITY, INCLUSION IN 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 primarily 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, it is in the public interest to ensure that government employees, who have knowledge of potential violations of these ethics rules, are able to report such violations to the appropriate authorities for investigation and corrective action without fear of intimidation or retaliation; and

WHEREAS, as provided in the County’s Employee Protection Ordinance, which is codified in section 2-56.28.11, et seq., of the County Code, the County prohibits adverse action

against any employee who discloses to the appropriate authorities for investigation and corrective action instances of unlawful activity, misfeasance, or malfeasance by the County or independent contractors; and

WHEREAS, while the County's Employee Protection Ordinance applies when a County employee reports unlawful activity, misfeasance, or malfeasance, it does not specifically offer protection when such an employee reports possible violations of the County's ethics rules; and

WHEREAS, during the 2024 session, the Florida Legislature amended section 112.326 of the Florida Statutes to provide that where a local government has adopted its own local ethics regulations, such regulations must: a) require any non-criminal complaints to be based upon personal knowledge and be written and signed under oath or affirmation by the person making the complaint; b) prohibit the initiation of a complaint or investigation by the local ethics agency; and c) include a process for public employees, officials, and candidates to recover costs and attorney fees against any person found by the ethics agency to have filed a complaint with malicious intent to injure the reputation of a person, by filing the complaint with knowledge that it contains one or more false allegations, or with reckless disregard for whether the complaint contains false allegations; and

WHEREAS, in light of these new requirements pertaining to ethics complaints, this Board wishes to maintain a culture of ethical governance by extending whistleblower protection to employees who report potential violations of the County's ethics rules; and

WHEREAS, accordingly, the Board now wishes to amend the Employee Protection Ordinance to specify that a County employee's disclosure of violations or suspected violations of the ethics rules within the jurisdiction of the Ethics Commission are specifically protected,

**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. Division 6 of article IV of chapter 2 of the Code of Miami-Dade County is hereby amended to read as follows:¹

ARTICLE IV. - PERSONNEL

* * *

**DIVISION 6. - PROTECTION OF EMPLOYEES
DISCLOSING SPECIFIED INFORMATION**

* * *

Sec. 2-56.28.11. - Legislative findings and purpose.

The Board of County Commissioners finds that it is in the best interests of the County to ensure that employees who have knowledge of unlawful activity, misfeasance>>₂<< ~~[[or]]~~ malfeasance>>, or violations of local ethics rules and regulations<< by the County or independent contractors report such knowledge to the appropriate authorities for investigation and corrective action. In order to encourage employees to report such information without fear of reprisal, it shall be the policy of the County to prohibit adverse action against an employee for disclosing such information to an appropriate official or agency and to award such employees when the information they disclose leads to the County's recovery of public funds.

* * *

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.

Sec. 2-56.28.14. Nature of Information Disclosed.

The information disclosed under this division must include:

- (1) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the County or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
- (2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the County or an independent contractor[[:]]>>; or
- (3) Any violation or suspected violation of the ethics rules under the enforcement jurisdiction of the Miami-Dade County Commission on Ethics and Public Trust.<<

* * *

Section 3. 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 4. 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 5. 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: May 6, 2025

Approved by County Attorney as
to form and legal sufficiency:

MBV for

Prepared by:



Tricia-Gaye Cotterell
James Eddie Kirtley

Prime Sponsor: Commissioner Micky Steinberg

Co-Sponsor: Commissioner Marleine Bastien