

HIGHLIGHTS OF THE MIAMI-DADE COUNTY ETHICS CODE

Miami-Dade Commission on Ethics & Public Trust

H. Jeffrey Cutler, Chair
Nelson Bellido, Vice Chair
Judith Bernier
Jan Jacobowitz
Lawrence Schwartz

19 West Flagler St., Suite 820, Miami, FL 33130

Phone: 305 579-2594

Fax: 305 579-0273

Hotline: 786 314-9560

ethics.miamidade.gov

ethics@miamidade.gov

Jose Arrojo, Executive Director

KEY RESPONSIBILITIES

The Conflict of Interest and Code of Ethics Ordinance (Miami-Dade County Code at Sec. 2-11.1) establishes minimum standards of ethical conduct for County and municipal elected officials, employees, members of advisory boards and quasi-judicial bodies and designated County contract workers. Certain requirements may also affect immediate family members, defined as a spouse, domestic partner, parents, stepparents, children and stepchildren. Specific questions should be sent to the Ethics Commission.

Exploitation of official position. A person cannot use his or her public position to obtain a special privilege or exemption for him- or herself or for others.

Confidentiality. A person cannot disclose confidential information acquired through his or her public position.

Financial disclosure. Elected officials, members of advisory boards and quasi-judicial bodies, certain employees and contract staff must file financial disclosure statements every year.

LOYALTY TO ONE'S GOVERNMENT

Recommendations of services prohibited. Elected officials, public employees and members of advisory boards and quasi-judicial bodies may not recommend the services of another to assist in any transaction involving one's government.

Outside employment must be approved annually. Supervisors must ensure that outside employment will not impair an employee's independence of judgment in the performance of his or her public duties. If approved, the employee must file a statement of income earned from outside employment each year.

GIFTS

Definition. A gift is anything of value that the recipient has not paid for. Examples include tickets or passes to events, entertainment performances and charitable galas, holiday baskets, flowers, lodging, meals, beverages, rebates or discounts, if not also offered to the general public.

Prohibited gifts. Elected officials, public employees and members of advisory boards and quasi-judicial bodies may never request or accept gifts intended to persuade them to take (or not take) an official action or to perform (or not perform) a duty required by their government service.

Travel expenses. Vendors and service providers may not pay the travel expenses of elected officials and public employees. Typically, these include costs associated with transportation, lodging, meals, registrations fees and incidental expenses.

Acceptable gifts, if disclosed. Gifts that are not intended to influence an official action and that are not travel expenses paid for by a government vendor may be accepted.

If the total value of a gift from one person or entity exceeds \$100 during a calendar quarter, the gift must be disclosed in the quarter after it is received.

Acceptable solicitations of gifts. Gifts may be solicited if used solely—

- by the government to conduct official business or
- to benefit nonprofit organizations, but only if solicited by commissioners and their staffs when the commissioners and their staffs receive no compensation for the solicitation.

GOVERNMENT PROCUREMENT

Cone of Silence. Oral communications are prohibited between bidders for County contracts and County officers and employees, from the time a bid has been advertised until the County Manager issues a written recommendation to the Board of County Commissioners. Numerous other provisions related to the Cone of Silence can be found in the County Ethics Code.

DOING BUSINESS WITH GOVERNMENT

Employees may do business with their government, individually or through a private company. But not with the employee's *department*, if the employee or immediate family have an ownership interest in the company.

Elected officials, managers, department heads and local government attorneys may *not* do business with their respective governments. Nor may their immediate family members do business with their respective governments.

Members of advisory boards and quasi-judicial bodies may do business with their governments. But not through a company in which the board member has an ownership interest, if the company is regulated by the member's board.

Disclosure of private business associations. If public officers and employees, members of advisory boards and quasi-judicial bodies or immediate family members are employed by a private firm with substantial business relationships to, or regulation by, their respective governments, the private employment must be disclosed.

Transactions with private companies that do business with one's government. Local elected officials and their staffs, managers, senior assistant managers and department heads may transact business with these private companies, but only at arm's length, as in ordinary commercial dealings between equal parties.

Two-year rule for former employees of private entities. Government employees may not perform contract-related duties regarding their former private employers for two years following departure from that employer. The prohibition does not apply to County or municipal managers or to directors of procurement departments.

Conflicting personal investments. Elected officials, members of advisory boards and quasi-judicial bodies, public employees and designated contract workers may *not* —

- own personal investments directly or through an immediate family member that would create a substantial conflict between private interests and the public interest,
- participate in any official action, directly or indirectly, involving a business in which they or an immediate family member has a financial interest of 10% or more,
- acquire a financial interest in an entity directly or through an immediate family member that may be affected by their official actions.

LOBBYISTS

Elected officials and government personnel must determine whether persons seeking to influence them have registered as lobbyists. Meetings with unregistered individuals are prohibited.

Prohibition on lobbying one's own government. Elected officials, public employees and designated contract staff may not represent third parties before their respective governments. Members of advisory boards and quasi-judicial bodies may not represent third parties before their respective boards.

Two-year rule for former officers and employees. Public officers and employees may not lobby or appear before their respective governments for two years following departure from public service, except if employed by another government or a nonprofit or educational entity.

VOTING CONFLICTS

Commissioners and council members. Elected officials may not vote if *either* of the following were to occur: the vote would affect them differently than it would affect the public generally *or* the vote would directly or indirectly affect a person with whom they have certain business relationships.

Board members. Members of advisory boards and quasi-judicial bodies may not vote if *both* of the following were to occur: they will be directly affected by the action of their board *and* they have certain business relationships with the persons or entities appearing before their board on the matter.