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December 20, 1999

Pete Hernandez
Senior Assistant to the County Manager
111 N.W. First Street
Suite 2910
Miami, Florida 33128

RE: REQUEST FOR ADVISORY OPINION 99-55

Dear Mr. Hernandez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 15, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the Development Process Advisory Committee (DPAC) is covered by the Conflict of Interest and Code of Ethics ordinance.

In your letter, you advised the Commission that the County Manager has created the Development Process Advisory Committee to review the development process and look at ways of streamlining the process and making it more user-friendly; resolving process problems in the total development process and forging a partnership between Miami-Dade County and development industry representatives to improve the processes for all users. The committee is composed of representatives of twenty organizations involved in development in the Miami-Dade County area.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not apply to members of DPAC. Section 2-11.1 (b) (4) defines advisory personnel who are covered by the provisions of the ordinance. Section 2-11.1(b) (4) defines advisory personnel as " members of those County advisory boards and agencies whose sole and primary responsibility is to recommend legislation or give advice to the Board of County Commissioners. " Since DPAC's primary or sole responsibility is not to propose legislation and they report to the County Manager and not the Board of County Commissioners, they are not covered under the definition of advisory personnel whose actions are governed by the Conflict of Interest and Code of Ethics ordinance.

Therefore, the Conflict of Interest and Code of Ethics ordinance does not apply to the members of the Development Process Advisory Committee because they do not fall within the definition of advisory personnel in the ordinance.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director