

venues or in which the municipality receives a benefit or has other fiduciary responsibilities. Section 2-11.1 (d) of the Code of Miami Dade County only applies to commissioners regarding matters which come before the city commission. Section 2-11.1(d) provides that no person included in the term defined in subsection (b) (1) (commissioners) shall vote or participate in any way in any matter presented to city commission if said person has any of the relationships enumerated in the ordinance or would personally benefit from the transaction. Therefore, the ordinance does not preclude the commissioner from voting on matters regarding the municipality which come before the council.

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,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director



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STAFF GENERAL COUNSEL

February 9, 2000

Sheila Austin  
Director, Grants Services  
Cultural Affairs Council  
111 N.W. First Street  
Miami, Florida 33128

**RE: REQUEST FOR ADVISORY OPINION 00-06**

Dear Ms. Austin:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 7, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a conflict of interest between a city commissioner serving on the Tourist Development Council board which awards grants for tourism projects and the award of grants to venues or entities from which the municipality receives a benefit.

In your letter, you advised the Commission that the Tourist Development Council is a state-mandated grant-issuing body which awards grants to tourist impacting projects presented by profit and non-profit producers and presenters. The council is concerned as to whether municipal officials have a conflict in regard to voting on events which take place in municipal venues and in which the municipality receives a direct benefit or has other fiduciary responsibilities.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not prohibit a City of Miami commissioner serving on the Tourist Development Council from voting on matters involving municipal