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January 22, 2001

Lana Floyd
21785 S.W. 111 Avenue
Goulds, Florida 33170

RE: REQUEST FOR ADVISORY OPINION 00-165

Dear Ms. Floyd:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 17, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding possible voting conflicts.

In your letter, you advised the Commission that you are a member of the Goulds Community Advisory Committee which is a committee of the Community Action Agency(CAA). One of the functions of the committee is to make recommendations to the Office of Community and Economic Development(OCED) regarding allocation of Community Development Block Grant (CDBG) funds.

J.L. Demps, your brother-in-law, is the president of the Goulds Community Development Corporation. The Goulds Community Development Corporation seeks CDBG funds to finance the CDC's operations. You want to know if you may vote on funding issues regarding the Goulds CDC and whether employees of agencies who receive CDC funds may vote on issues involving their organization.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to vote on issues regarding the Goulds Community Development Corporation. Section 2-11.1(d) only prohibits county commissioners from voting on certain matters. Further, any restriction on voting on matters involving immediate family members would not apply in this context because your brother-in-law is not immediate family as defined in the ordinance.

However, members of the Advisory Committee may not vote on matters involving businesses in which they have a financial interest. Section 2-11.1 (n) provides that no person included in the terms defined in subsection (b)(1) through (6) shall participate in any official action directly or indirectly affecting a business in which he or she or a member of his immediate family has a financial interest. Therefore, committee members may not vote on funding matters regarding their employers.

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 this opinion, please call Ardyth Walker, Staff General Counsel at (305) 579-2653 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director