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September 19, 2003

Gloria Griffin
1228 NE 151st Street
North Miami Beach, FL 33162

RE: REQUEST FOR ADVISORY OPINION 03-142

Dear Ms. Griffin:

You requested an advisory opinion pertaining to any possible conflicts related to your potential outside employment with your landscaping company and its ability to contract with Miami-Dade County.

You are a driver with the Miami-Dade County Community Action Agency. Recently, you and your partners incorporated 3 Angels Landscaping and Maintenance, Inc., where you do bookkeeping, make appointments and answer phones. Presently, the company is also seeking certification under the Community Small Business Enterprise [CSBE], so that it may contract services with Miami-Dade County.

Firstly, you must obtain permission from your department director before engaging in any outside employment. Under the Conflict of Interest and Code of Ethics Ordinance, there is no legal conflict for you to work with the landscaping company or for the company to seek certification as a CSBE, and accordingly, contract with Miami-Dade County.

Section 2-11.1 (j) "Conflicting employment prohibited" provides,

"No person included in the terms defined in subsections (b) (1) through (6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties."

Your duties with the landscaping company would not impair the performance of your County duties as a driver for the Community Action Agency. Moreover, as stated in your letter, the work you perform for 3 Angels Landscaping and Maintenance is done outside County time.

Finally, in accordance with Section 2-11.1 (k), you must report your outside employment and file the required disclosure forms by July 1st of each year with the Department of Elections.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director