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November 24, 2003

Karon Coleman
Miami-Dade County Attorney's Office
Jackson Memorial Hospital Division
1611 N.W. 12th Avenue
West Wing, Room 109
Miami, FL 33136

RE: REQUEST FOR ADVISORY OPINION 03-179

Dear Ms. Coleman:

You requested an advisory opinion, as Counsel for The Children's Trust, regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance to The Children's Trust.

Specifically, you ask whether the application of the Conflict of Interest and Code of Ethics Ordinance is strictly limited to the provisions as delineated below, or is the application broader, encompassing other provisions, such as the cone of silence and lobbying restrictions.

In your letter to the Ethics Commission, you provide that The Children's Trust is an independent special district, approved by the voters of Miami-Dade County in 2002. It was established to fund improvements for the children of Miami-Dade County in such areas as health, development and safety. In the ordinance creating The Children's Trust, Section 2-1529, "Applicability of State and County Laws," delineates the laws which regulate the administration of The Children's Trust. This section states:

The Children's Trust shall be regulated by: Chapter 286 of Florida Statutes, ("Sunshine Law") including but not limited to the notice requirements; ...Section 2-11.1 of Miami-Dade County Code ("Conflict of Interest and Code of Ethics Ordinance"), including but limited to

the gift disclosure and financial disclosure requirements; and...

Section 2-1529, "Applicability of State and County Laws," of the ordinance creating The Children's Trust, clearly indicates the limited applicability of the Conflict of Interest and Code of Ethics Ordinance to The Children's Trust. As stated, only the gift disclosure and the financial disclosure requirements apply to its regulation. If the intent were to subject The Children's Trust to the entire Code of Ethics Ordinance, such language would have been provided, as is the case with other County entities such as the Homeless Trust and the Citizens' Independent Transportation Trust.

The words "...*limited to*..." as provided for in The Children's Trust ordinance, undoubtedly suggest that the applicability of the Code of Ethics does not extend beyond the gift and financial disclosure provisions.

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