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STAFF GENERAL COUNSEL

March 27, 2009

Thais Asper
Legislative Assistant
The Honorable Juan C. Zapata
Florida House of Representatives
13550 S.W. 88th Street
Suite 1510
Miami, FL 33186

RE: REQUEST FOR ADVISORY OPINION RQO 09-15

Dear Mr. Asper:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 26, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Representative Zapata may continue to serve as a lobbyist on county contracts while running for a seat on the County Commission.

In your request, you advised the Commission that Representative Zapata is a current member of the Florida Legislature. Representative Zapata will be termed out of office in 2010. Representative Zapata has opened a campaign account to run for the District 11 County Commission seat in 2012. Zapata is currently a registered county lobbyist.

The Ethics Commission found the Conflict of Interest ordinance permits Zapata to continue to serve as a registered county lobbyist although he is a candidate for a County Commission seat. The Conflict of Interest ordinance only limits lobbying activities by

current and former county officials under Sections 2-11.1(q) (two-year rule) and 2-11.1(m) (prohibited appearances). The ordinance does not proscribe lobbying activity by Commission candidates. Accordingly, Zapata may continue to serve as a lobbyist while running for the County Commission seat.

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 the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read 'Robert Meyers', with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director