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VIA FACSIMILE (850) 488-3077

September 16, 2010

Dan Carlton
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317

RE: REQUEST FOR ADVISORY OPINION-RQO 10-25

Dear Mr. Carlton:

The Commission on Ethics and Public Trust considered your request for an opinion regarding the application of Section 2-11.1(i) (financial disclosure) of the Code of Miami-Dade County to non-voting ex-officio members of the Public Health Trust.

Section 112.3145, F.S. (2010) provides that certain local officers are required to file financial disclosure. Section 112.3145(2)(g), F.S. (2010) includes as a local officer " any other appointed person of a local government board who is required to file a statement of financial interests by the appointing authority or enabling legislation, ordinance or resolution appointing the board."

Section 25A is the enabling legislation establishing the Board of Trustees of the Public Health Trust. Section 25A establishes a Board of Trustees that is composed of 17 voting members including two members of the Board of County Commissioners. The Board of Trustees also has several non-voting ex-officio members. The non-voting members include the deans of the University of Miami and Florida International University medical schools, the Dean of Nursing for the

University of Miami, the Chief Executive Officer and Chief Medical Officer of the Public Health Trust and a representative from one of the labor unions representing employees at the Public Health Trust.

The Ethics Commission found that Section 2-11.1 (i) does not apply to non-voting members of the Board of Trustees of the Public Health Trust. The Conflict of Interest ordinance is applied to members of the Public Health Trust on a modified basis. Section 25A-3(c) provides that the Conflict of Interest and Code of Ethics ordinance "shall be applicable to the members of the Board of Trustees of the Public Health Trust only in the manner and to the extent hereinafter provided." Section 25A-3(c) provides that "...whenever in the Conflict of Interest ordinance reference is made to the Board of County Commissioners, that reference shall be deemed and construed to be a reference to the voting members of the Board of Trustees of the Public Health Trust."

Section 2-11.1 (i)(2) provides that the following County personnel shall comply with the filing requirements of Subsection (i)(1) (annual filing of financial disclosure) above: the Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistants to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade police with the rank of captain, major and chief; building and zoning inspectors.

Under the modified application of the Conflict of Interest ordinance, the reference to the members of the Board of County Commissioners applies only to voting members of the Public Health Trust and does not apply to non-voting ex-officio members. Accordingly, non-voting, ex-officio members

of the Board of Trustees of the Public Health Trust are not required to file financial disclosure under the Conflict of Interest and Code of Ethics ordinance.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director