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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, August 12, 2014 1:17 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Mayor Jose Diaz, City of Sweetwater (Ethics Training) INQ 14-192  
**Attachments:** electedofficialsethicsstrainingordinance.pdf

INQ 14-192

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**From:** Ethics (COE)  
**Sent:** Tuesday, August 12, 2014 9:19 AM  
**To:** 'Rick Yabor'  
**Cc:** Diaz-Greco, Gilma M. (COE); Ramos, Miriam S. (COE)  
**Subject:** INQ - Mayor Jose Diaz, City of Sweetwater (Ethics Training)

Mr. Yabor,

The Mayor is indeed required to complete ethics courses under both County Ordinance and State Law, although the State requirement does not take effect until 2015.

Section 2-11.1(bb) contains the requirement for ethics training for local elected officials. Section 2-11.1(a) makes clear that the "References in the section to County personnel shall therefore be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to" in that Ordinance. This has been the standard interpretation of the County Ordinance since the inception of the Ethics Commission. The reference in Section 2-11.1(bb) to the Mayor of Miami-Dade County applies to all Mayors of municipalities within Miami-Dade County, and provides no exception for municipal mayors. The only municipal exception contained therein relates to municipal employees, not municipal elected officials. The ordinance was adopted on June 4, 2013 by the Miami-Dade County Commission and is attached hereto. It applies to Mayor Diaz, who was sworn into office as Mayor two months after the ordinance took effect. This County-imposed requirement spells out the topics to be addressed in the ethics training, but does not prescribe the length of the course. In fact, the ethics course that we have been providing pursuant to this section is a two-hour course. This is the same course that was specially set in Sweetwater on July 15, 2014, to accommodate Mayor Diaz and one other elected official. The City Clerk informed me that Mayor Diaz was duly informed of the scheduled training.

The State Law that applies to Mayor Diaz is not Section 112.3142(2)(a), Florida Statutes, which applies to constitutional officers, but rather Section 112.3142(2)(b), Florida Statutes, as amended during the last legislative session, which applies to "all elected municipal officers." The latter provision does require a four-hour course annually, but does not take effect until January 1, 2015. No agency is prescribed as the one from which such ethics training must be obtained. Mayor Diaz is obviously not in violation of the latter statute at this time, which is not under the jurisdiction of the Miami-Dade Commission on Ethics and Public Trust.

I hope this has clarified the state of the law and your client's responsibilities thereunder concerning ethics training requirements.

Sincerely,

Joseph M. Centorino  
Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust

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**From:** Rick Yabor [<mailto:Rick.Yabor@yaborlaw.com>]  
**Sent:** Monday, August 11, 2014 6:18 PM  
**To:** Ethics (COE)  
**Cc:** [josediaz605@hotmail.com](mailto:josediaz605@hotmail.com)  
**Subject:** Request for Opinion

Dear Miami-Dade County Ethics Commission:

Please be advised that I represent Jose Diaz, Mayor of the City of Sweetwater. The Mayor has been advised that he is required to take a 4 hours ethics course. However, based on my interpretation of Florida Statutes, Miami-Dade County Ordinances and City of Sweetwater Ordinances, he does not fall under any category contemplated by the Statutes or Ordinances of the elected officials required to take said 4 hours ethics course.

1. Florida Statute 112.3142 (1) identifies the elected officials required to take said course as "the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools." Clearly the Mayor of the City of Sweetwater is not any of the elected officials contemplated by the statute. Therefore, this Statute does not obligate the Mayor to take said Course.

2. Miami Dade County Ordinance 2.2-11.1(bb) states:

*Affidavit and Ethics Course.* Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. **Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course").** Each employee of the County, as defined in subsection (b)(5) and b(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an Ethics Course offered by the Miami-Dade County Commission on Ethics and Public Trust. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; the Public Records Law and the Citizens' Bill of Rights. **The requirements of this subsection (bb) relating to the Ethics Course for employees shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.**

This section of the Miami-Dade County Ordinance requires elected officials as defined in subsection (b)(1) to take said Ethics Course within 90 days of being sworn into office. However, the elected officials defined in subsection (b)(1) are the Mayor and the Board of County Commissioners. The term "Mayor" in section (b)(1) refers to the Mayor of Miami-Dade County, not the Mayor of Sweetwater. Therefore, the Mayor of Sweetwater does not fall within the individuals required to take the Ethics Course.

Moreover, the last portion of subsection (bb) states that this section is not applicable to any municipality "unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided in this subsection." Please advise when, if ever, the City of Sweetwater adopted an ordinance providing for the Ethics Course and a copy of the interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course.

Please provide an opinion as to whether the Mayor of the City of Sweetwater is required to take an Ethics Course, along with the statutes and ordinances requiring the Mayor of Sweetwater to comply with such a request.

Thank you

Rick Yabor  
Padilla & Yabor, P.A.  
2200 South Dixie Highway  
Suite 704  
Coconut Grove, FL 33133  
Direct Line (305) 322-5617

# MEMORANDUM

Agenda Item No. 7(C)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

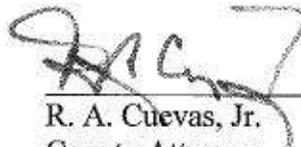
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending Section 2-11.1(bb) of the Code, to require county and municipal elected officials to complete ethics course within specified time period

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**The attached ordinance was amended at the May 15, 2013 Public Safety & Animal Services Committee by inserting the phrase "for employees" in the last sentence of subsection 2-11.1(bb) of the Code.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** June 4, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a prominent loop at the end.

**Subject:** Ordinance Relating to Conflict of Interest and Code of Ethics Ordinance; Amending Section 2-11.1(bb) of the Code, to Require County and Municipal Elected Officials to Complete Ethics Course Within Specified Time Period

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The proposed ordinance amends Section 2-11.1(bb) of the Code and requires County and Municipal elected officials to complete an ethics course within a specified time period. Implementation of this ordinance will not have a fiscal impact to the County as the additional workload will be absorbed by existing staff.

A handwritten signature in black ink, appearing to read "Inson Kim". The signature is cursive and somewhat stylized.

Inson Kim  
Director of Policy and Legislative Affairs

Fis4713



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(C)  
6-4-13

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(bb) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE COUNTY AND MUNICIPAL ELECTED OFFICIALS TO COMPLETE ETHICS COURSE WITHIN SPECIFIED TIME PERIOD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

**Section 1.** Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.**

- (a) *Designation.* This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(b) *Definitions.* For the purposes of this section the following definitions shall be effective:

(1) The term "Commissioners" shall refer to the Mayor and the members of the Board of County Commissioners as duly constituted from time to time.

\* \* \*

(bb) *Affidavit and Ethics Course.* Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. >>Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course").<< Each employee of the County, as defined in subsection (b)(5) and b(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an >>E<<[[e]]thics >>C<<[[e]]ourse offered by the Miami-Dade County Commission on Ethics and Public Trust [[("Ethics Course")]]. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; [[and]] the Public Records Law >>and the Citizens' Bill of Rights<<. The requirements of this subsection (bb) relating to the Ethics Course >>for

employees<<<sup>2</sup> shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

\* \* \*

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

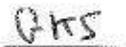
**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Barbara J. Jordan

<sup>2</sup> Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.