



Via First Class Mail  
and  
email at [singer@miamidade.gov](mailto:singer@miamidade.gov)

January 25, 2012

**ETHICS COMMISSIONERS**

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STAFF GENERAL COUNSEL

Miriam Singer, Assistant Director  
Procurement Management, Internal Services Department  
111 NW 1<sup>st</sup> Street, Suite 1300  
Miami, FL 33128

**Re: RQO 12-02**

Applicability of Cone of Silence to Certain Procurement Meetings  
See Cone of Silence Ordinance at Miami-Dade Co. Code, Sec. 2-11.1 (t)(c)(i).

Dear Ms. Singer:

In a public meeting on January 24, 2012, the Miami-Dade Ethics Commission found that the Cone of Silence requires contract negotiations to be conducted at duly noticed public meetings. This opinion prevails despite a recent amendment to state law that exempts negotiation meetings with vendors from public meeting requirements.<sup>1</sup>

The Ethics Commission also clarified that the Cone has never required oral communications at pre-bid conferences and oral presentations before selection committees to be conducted as public meetings.

Consequently, based on the explicit language found at the Miami-Dade Co. Code, Sec. 2-11.1 (t)(c)(i), the County must continue to notice and conduct contract negotiations as public meetings, notwithstanding the state exemption. Only an amendment to the County's Cone of Silence would allow contract negotiations to be exempt.

This opinion construes the Miami-Dade County Cone of Silence and is not applicable to other conflicts under County or state laws. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,

  
JOSEPH CENTORINO  
Executive Director

copies: Lester Sola, Director, ISD, at [solal@miamidade.gov](mailto:solal@miamidade.gov)  
Gerald Sanchez, Assistant County Attorney, at [gks@miamidade.gov](mailto:gks@miamidade.gov)

<sup>1</sup> Fla. Stat. 286.0113, Sec. 2 (b) (2011).