
From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 22, 2015 2:58 PM
To: Sanchez, Rodzandra (COE)
Subject: Carmen Bofill, Clerk 3, Miami-Dade Elections Department INQ 15-127
Attachments: INQ 11-16 Saens Dorcely.pdf

INQ 15-127 Bofill

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 22, 2015 2:57 PM
To: Bofill, Carmen (Elections)
Cc: Centorino, Joseph (COE); Perez, Martha D. (COE)
Subject: RE: Carmen Bofill, Clerk 3, Miami-Dade Elections Department INQ 15-127

Dear Ms. Bofill:

You have inquired whether elected officials are required to file an Outside Employment Statement form for work they perform outside of their County duties. While elected officials are required to fulfill the financial disclosure requirements set out by State statutes (State Form 1, State Form 6, etc.), the County Ethics Code does not require elected officials to also file an Outside Employment Statement for work they perform outside of their County or municipal duties.

Section 2-11.1(k) of the County Ethics Code outlines the disclosure requirements for County and municipal employees engaged in outside employment. This section applies to departmental personnel (*see* 2-11.1(b)(5) defining “departmental personnel” as the Manager, his or her department heads , County and City Attorneys and all Assistant County and City Attorneys), and employees (*see* 2-11.1(b)(6) defining the term “employees” as all other employees employed by the County or municipality). Section 2-11.1(k) does not, however, cover elected officials.

By way of clarification, County or municipal departmental personnel and employees may be required to file both a Financial Disclosure form (if they are covered by State statutes or County ordinances), and also an Outside Employment Statement (if the departmental personnel or employees are engaged in outside employment). However, given that elected officials are not included in Section 2-11.1(k), they are only required to file the relevant State financial disclosure forms.

I also refer you to a previous Ethics Commission opinion, INQ 11-16. In that opinion, a City of Miami employee who was also serving as an elected Council Member in the City of Homestead was advised that he was required to file an Outside Employment Statement. This case is distinguishable because the requirement to file an Outside Employment Statement in that case arose due to his status as a an employee of the City of Miami and not because of his service as an elected official in Homestead.

I hope this has been useful. Please contact us if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

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From: Perez, Martha D. (COE)
Sent: Thursday, June 11, 2015 11:46 AM
To: Bofill, Carmen (Elections)
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Fiancial Disclosures of elected officials

Good morning Ms. Bofill:

Just as a point of clarification regarding financial disclosure requirements applicable to elected officials:

Under Section 2-11.1(1) (2) of the County Ethics Code, a County or municipal elected official is required to file an Annual Financial Disclosure Statement with the County Elections Department, or the Municipal Clerk respectively, by filing any of the following three types of forms: a Miami-Dade County Source of Income Statement, a most recent Federal Income Tax Return, or a Statement of Financial Interests. However, under Section 112.3145, Fla. Stats., elected officials are required to comply with State financial disclosure requirements, Financial Disclosure Form (Form 6), which must be filed with the Florida Commission on Ethics in Tallahassee. Filing the Financial Disclosure Form with the State satisfies the County requirement for those individuals who are required to file with the State.

I am enclosing the 2015 Financial Disclosure Filing Requirements Chart for your information.

If you have any further questions, do not hesitate to contact me @ (305) 579-2594.

Best regards,

Martha D. Perez

Staff Attorney

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