



April 18, 2002

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STAFF GENERAL COUNSEL

Via Facsimile No. (305) 545-4038

Valarie Bell
Miami-Dade Corrections
& Rehabilitation Department
Miami, FL

RE: REQUEST FOR ADVISORY OPINION 02-49

Dear Ms. Bell:

You requested an opinion regarding your ability to contract with the county to provide Section 8 housing.

In your letter, you advised the Commission that you are a Corrections Officer at Miami-Dade County Corrections & Rehabilitation Department and you would like to contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 8 is a federally-funded program which subsidizes landlords who rent to low-income tenants.

Based on the facts you have given me, I find that you may contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 2-11.1 (c) provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and

faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract. Since your job responsibilities with the Miami-Dade County Corrections & Rehabilitation Department would not require your involvement in any aspect of the contract, you may contract with the Housing Agency to provide Section 8 housing.

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,



ROBERT MEYERS
Executive Director

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