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September 19, 2003

Julio Santana
3550 NW 52nd Street
Miami, FL 33142

RE: REQUEST FOR ADVISORY OPINION 03-132

Dear Mr. Santana:

You requested an advisory opinion related to your roofing company contracting services with the County.

In your letter, you stated that you were employed as a Pipe Fitter with the Water & Sewer Department until your resignation in January of 2002. Shortly thereafter, you established Aleluya-Roofing Company. Presently, your company is seeking certification as a Community Small Business Enterprise [CSBE], a Hispanic-owned Business Enterprise [HBE] and a Disadvantaged Business Enterprise [DBE], so that it may contract services with Miami-Dade County.

There is no legal conflict for your roofing company to seek certification as a CSBE, HBE or DBE and accordingly, contract with Miami-Dade County. However, since you left County service within the last two years, the Ordinance does prohibit you from lobbying any city official or agency. Section 2-11.1(q) "Continuing application for two years after County Service" provides that,

No person who has served as an elected official, i.e. mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall for a period of two years after his or her county employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other

proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, whether, direct or indirect.

The Conflict of Interest and Code of Ethics ordinance defines lobbying as seeking to encourage the passage, defeat or modifications of 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of any County board or committee; or 3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a county board or committee.

Therefore, you are prohibited from lobbying city departments and personnel, city agencies and officials for a period of two years from the date of your resignation from County service, which is January 2004.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director