



ETHICS COMMISSIONERS

October 16, 2003

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Maria D. Tamayo
15555 Biscayne Boulevard
Room 110
Miami, Florida 33160

RE: REQUEST FOR ADVISORY OPINION 03-165

Dear Ms. Tamayo:

I considered your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter.

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 work as an Assistant Director, District Operations Division with the Miami-Dade County Clerk of the Courts Department. 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.

You may contact 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.

Since your job responsibilities with the Miami-Dade County Clerks of the Courts Department would not require your participation with Housing in any of aspects 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.

Sincerely Yours,



ROBERT MEYERS
Executive Director