



April 30, 2003

Elva Barriel-Garcia  
8820 SW 54 Terrace  
Miami, FL 33165

**RE: REQUEST FOR ADVISORY OPINION 03-64**

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairman  
Robert H. Newman, Vice Chairman  
Gail Dotson  
Guillermo Grenier  
Elizabeth M. Iglesias

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Dear Ms. Barriel-Garcia:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 29, 2003 and rendered its 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 a Nursing Assistant for Jackson Memorial Hospital 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.


The Commission found 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. Since  
your job responsibilities with Jackson  
Memorial Hospital would not require your  
involvement in any aspect of the contract,  
you may contract with the Miami-Dade County  
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)  
350-0616.

Sincerely Yours,

  
ARDYTH WALKER  
Staff General Counsel

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