



May 21, 2003

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Miguel Hernandez  
17812 S.W. 146 Court  
Miami, FL 33177

**RE: REQUEST FOR ADVISORY OPINION 03-78**

Dear Mr. Hernandez:

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 your wife is a Accounting Clerk with the Department of Water and Sewer. 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 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 wife's job duties with WASD do not require her to be involved 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 Robert Meyers, Executive Director at (305) 579-2594 or the undersigned at (305) 350-0616.

Sincerely Yours,

A handwritten signature in black ink that reads "Ardyth Walker". The signature is written in a cursive style with a large, stylized initial "A".

ARDYTH WALKER  
Staff General Counsel