



November 19, 2009

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STAFF GENERAL COUNSEL

Diane Collins
Acting Division Chief
Clerk of the Board of County Commissioners
111 N.W. First Street
Suite 17-202
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 09-42

Dear Ms. Collins:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 17, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding financial disclosure requirements for county boards.

The Commission found Section 2-11.1(i) provides that "all persons and firms included within Subsection (a) (Mayor and Commissioners); (b) (2) (semi-autonomous personnel) and (b) (3) (quasi-judicial personnel) and (b) (4) (advisory personnel) are required to file financial disclosure.

Section 2-11.1(b) (2) defines autonomous personnel as members of semi-autonomous authorities, boards and agencies entrusted with day to day policy setting, operation and management of defined County areas or functions even though final authority may rest with the Board of County Commissioners.

Section 2-11.1(b) (3) defines quasi-judicial personnel as the members of the Community Zoning Appeals Board and any other board or

agency that performs quasi-judicial functions.

Section 2-11.1(b)(4) defines advisory personnel as those County advisory boards whose sole or primary responsibility is to recommend legislation or provide advice to the Board of County Commissioners.

Therefore, the following boards are required to file financial disclosure under the Conflict of Interest ordinance:

- I. All county advisory boards created pursuant to ordinance or resolution whose enabling ordinance states that the board is created to advise the county on a particular subject or area
- II. All quasi-judicial boards, provided for by county ordinance, whether or not the board is also authorized under state law.
- III. All other boards, commissions or trusts which are wholly created under county ordinance, staffed by county personnel or county funded.
- IV. Semi-autonomous boards created by state law, such as the Housing Finance Authority and the Affordable Housing Advisory Board, which make recommendations and awards regarding county programs.
- V. All boards whose enabling legislation or memorandum of understanding with Miami-Dade County requires the board to abide by the provisions of the Conflict of Interest ordinance.

The following boards are not required to file financial disclosure under the Conflict of Interest ordinance:

- I. The Metropolitan Planning Organization and its subordinate boards such as CTAC, BPAC and TARC
- II. The Children's Trust
- III. Miami-Dade Expressway Authority
- IV. The Planning Advisory Board

- V. Port of Miami Crane Management
- VI. Standing Nominating Committees for the Public Health Trust, CITT, MMAP or any other board
- VII. Special committees of the Public Health Trust such as the Annual Operating Agreement Committee and the Compensation and Evaluation Committee
- VIII. Independent authorities, whose sole function is provided by state law, such as the Industrial Development Authority, the Health Facilities Authority and the Educational Facilities Authority.
- IX. Task Forces or Ad-Hoc Committees whose enabling resolution provide for a duration of less than one calendar year

Some of the boards who are not required to file under the Conflict of Interest ordinance may be required to file financial disclosure under state law. Questions regarding state financial disclosure requirements should be referred to the State of Florida Commission on Ethics.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director