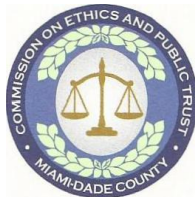


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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November 18, 2020

Mr. Esteban L. Bovo
765 West 76th Street
Hialeah, Florida 33014

Re: INQ 2020-126, Section 2-11.1(q) of the County Ethics Code, Lobbying After County Service

Dear Mr. Bovo:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and seeking our guidance regarding the application of Section 2-11.1(q) of the County Ethics Code relating to lobbying after County service.

Facts:

You recently completed your term as a member of the Board of County Commissioners for District 13. You may be engaged with the County as a principal in a private firm or on behalf of third parties.

Discussion and Opinion:

Lobbying is described in Section 2-11.1(s) of the County Ethics Code as encouraging the passage, defeat, or modification of any ordinance, resolution, action or decision of the County Commission; any action, decision, recommendation of the County Mayor or any County Board or Committee, or any action, decision, recommendation of any County employee if the same is going to foreseeably be heard or reviewed by the County Commission or a County Board or Committee. This section applies to legislative, policy, and procurement matters alike, across all County departments.

The Ethics Commission recommends that in determining whether you are engaging in lobbying activities to focus not on your professional self-description but rather on your encouragement or advocacy as described above. Therefore, a lobbyist may be an attorney, sales representative, consultant, architect, engineer, or developer. Also, a lobbyist may also be a person retained by a third party or the principal or an in-house employee of the principal whose normal scope of employment includes lobbying.

Section 2-11.1(q) of the County Ethics Code, also referred to as the “Two-Year Rule” provides that no person that has served as an elected County official shall, for a period of two years after his or her County service has ceased, lobby any County officer, departmental personnel or employee. The Ethics Commission has interpreted the Two-Year Rule to ban a very broad range of activities during the post-service time period. (*See generally* RQO 13-07) As such, you are barred from lobbying the County for two years commencing from the end of your term as a County elected official.

This does not mean that you are precluded from sharing your unique insight or knowledge regarding County government with private parties transacting with the County as a consultant or advisor. Also, this section does not prohibit you from submitting routine administrative requests or applications to a County department or agency during the post-service time period. Again, what is prohibited are lobbying activities defined as encouragement or advocacy.

There are a number of exclusions from the Two-Year Rule. Notably, if you are engaged by a governmental agency, a 501(c)(3) non-profit, or an educational institution or entity, then lobbying in your official capacity on behalf of such an entity is not prohibited.

We appreciate your consulting with the Miami-Dade County Commission on Ethics and Public Trust in order to avoid possible prohibited conflicts of interest. We hope that this opinion is of assistance and we remain available to discuss any matters addressed in this letter, if necessary, at your convenience. If the facts associated with your inquiry change, or you develop a more specific plan to engage with the County, then please contact us for additional guidance.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

Sincerely,



Jose J. Arrojo
Executive Director

cc: COE Legal Staff

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.