



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Sonless Martin, Commission Aide, Office of Miami-Dade Commissioner Xavier Suarez, District 7

FROM: Gilma Diaz-Greco, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-61

DATE: June 22, 2020

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest with your candidacy as a District 20 Committeeman for the Miami-Dade Republican Party.

Facts:

You are employed at the Office of Miami Commissioner Xavier Suarez as a Commission Aide. You are seeking to run as a candidate for the Miami-Dade Republican Party Executive Committee as a District 20 Committeeman pursuant to Florida Statute 103.091 which provides for election of a Committeeman and Committeewoman to represent each local political party district. The position of Local Political Party Committeeman or Committeewoman is elected and unpaid. Local Political Party Committeemen or Committeewomen are generally responsible for helping to identify party supporters within their jurisdiction and get them to vote at election time.

Issue

Whether any prohibited conflict of interest would exist between your County employment and your running for election for the Miami-Dade Republican Party Executive Committee, as a District 20 Committeeman.

Discussion and Opinion

County employees are not prohibited from engaging in political activities outside the workplace, however they must adhere to some restrictions placed on government workers under County policy and State law. See Fla. Stat. § 104.31; A.O. 7-2; and COE memorandum “Limitations on Political Activities of County and Municipal Officers and Employees” (Amended October 2019).

Section 2-11.1(g) of the Ethics Code. Section 2-11.1(g) of the County Code of Ethics, *Exploitation Of Official Position Prohibited*, prohibits use of one’s public position “to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained adopted or hereafter to be ordained or adopted by the Board of County Commissioners.” The State Ethics Code has a similar provision titled Misuse of Public Position, section 112.313(6). In addition, section 104.31, Florida Statutes, Political Activities of State, County, and Municipal Officers and Employees, prohibits public officers or employees from using their official authority or influence “for the purpose of interfering with an election or a nomination of office or coercing or influencing another person’s vote or affecting the result thereof.”

The COE has clarified in previous opinions and in its Political Activities memorandum cited above, that while employees are not prohibited from engaging in political activities they must abide by certain limitations. Employees engaged in political activities must do so during their own time, not during County working hours; they are prohibited from using their County position or the resources of the County in any way in a political campaign; and they are prohibited from directly or indirectly using their County positions to intimidate or coerce others into supporting your chosen candidate or to make political contributions. *See e.g.*, RQO 05-06; INQ 18-232; and INQ 17-49.

Based on the facts you have presented to us at this time, it does not appear that prohibited conflicts of interest would occur under the County Ethics Code for you to run as a candidate for the Miami-Dade Republican Party Executive Committee as a District 20 Committeeman provided that you adhere to the limitations in Fla. Stat. § 104.31, A.O 7-2, and COE memorandum “Limitations on Political Activities of County and Municipal Officers and Employees” (Amended in October 2019). With respect to whether any other County policies or restrictions may apply to your County position as a Commission Aide to Commissioner Xavier Suarez and your candidacy for District 20 Republican Party Committeeman, we refer you to the County Human Resources Department.

We also note that there are certain state and local laws that govern the circumstances when a County Officer must resign to run for another office, including, but not limited to section 99.012, Florida Statutes (resign to run law); article II, section 5(a), Florida Constitution (prohibition of dual office holding); and section 1.05, Miami-Dade County Charter (forfeiture of office of county elected and appointed officials and employees). While it does not appear that your County position would bring you within the purview of these laws, for an opinion on these matters, which are beyond the scope of the County Ethics Code, we refer you to the County Attorney's Office; and/or the Office of the Attorney General. This opinion only construes the Miami-Dade Ethics Code, and it is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

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.