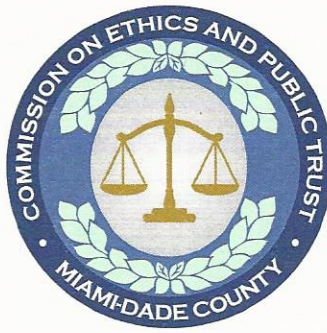


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Via email at: lopezc@miamidade.gov

March 14, 2017

Carolina Lopez
Deputy Supervisor of Elections
Government Affairs Division
Miami-Dade County Elections Department
2700 NW 87 Avenue
Miami, FL 33172

Re: RQO 16-04-Final Statement of Financial Interests

See Miami-Dade County Ethics Code at §§ 2-11.1 (i)

Dear Ms. Lopez:

IN A PUBLIC MEETING on December 16, 2016, the Miami-Dade Ethics Commission opined that the County Ethics Code permits developing a process or form for those County and Municipal employees and public officers who file the County financial disclosure form (Source of Income form) to file their **final statement of financial interests** any time after their separation from governmental employment as long as they file no later than 12:00 noon of the July 1st following the last year that person was a public employee or official.

As background, Section 2-11.1(i) of the County Ethics Code and Chapter 112 (Part III), Florida Statutes ("Chapter 112") require that certain local public employees and officials file financial disclosure forms on a yearly basis. Some local public employees and officials are covered by Chapter 112 and file State of Florida financial disclosure forms, State Form 1¹ and State Form 6.² The County Ethics Code covers additional public employees and officers not covered by Chapter 112; they file the County financial disclosure form, the Source of Income Statement ("SOI").³

For those that file pursuant to Chapter 112, the statute requires filing a final statement of financial interests, Form 1 F or 6F, 60 days after leaving public office or employment. Although Section 2-

¹ Fla. Stat. § 112.3145(1)(a) (2016) enumerates the local officers and candidates for local office required to file State Form 1. The list includes but is not limited to appointed members of certain boards, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state; mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE (\$20,000), on behalf of any political subdivision of the state or any entity thereof.

² Fla. Stat. §112.3144 (2016) sets out the requirements for State Form 6 and provides that an officer who is required by §8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

³ Miami-Dade Code §2-11.1(i).

11.1(i) of the County Ethics Code does not require filing a final SOI within 60 days of separating from public duties or employment, it does require that covered persons file a final financial disclosure form no later than 12:00 noon of July 1st of the year following the last year that person is in public office or employment.

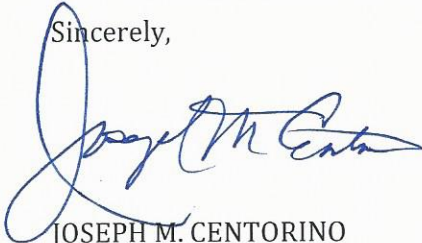
For those that file the County SOI form, there is currently no process or form to file a final financial disclosure upon their separation from County or Municipal duties. In the absence of such a procedure, local filers must wait until the following year to file.⁴This creates problems in the administration of the local filing process because these SOI filers that separate from their local public duties often change address or move on to other matters and forget to file the financial disclosure for their last year of public service as required by the County Ethics Code. As a result, the agencies that administer this local financial disclosure process, the County Ethics Commission and the County Elections Department, must expend significant resources in the oversight and enforcement of Section 2-11.1 (i) to locate those required filers that have failed to file an SOI after their separation from their local public duties. Although the County Ethics Code does not set a specific requirement for filing a final financial disclosure upon separation from local public service, nothing in the code prohibits developing a procedure which would permit such a person to file his or her final financial disclosure right away.

In conclusion, in order to promote a more efficient and effective use of governmental resources in administering local financial disclosure filings, the Ethics Commission opined that a local final financial interests procedure or form should be developed to allow SOI filers to report their final financial disclosure upon separation from their local public duties

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. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Gilma Diaz-Greco, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH M. CENTORINO

Executive Director

⁴ For example: employee A retires from her public employment as a County Assistant Department Director on March 31, 2016; her County position required her to file the County Source of Income form on a yearly basis; here, she would have to file two SOI forms: one to report for 2015, and one to report for 2016 (because she was employed for part of that year). Given that no specific form to file a final financial disclosure is currently available, there is no way for her to file the 2016 SOI upon her departure; she would have to wait until 2017 when the 2016 SOI forms are disseminated to file her final SOI. This results in difficulties in the administration of this process because these covered persons that separate from their local public duties, may change address or move on to other matters and forget to file which then requires a significant use of resources by the Ethics Commission as well as the County Elections department to enforce this code section.

RQO 16-04 Lopez

GDG