

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 6-4-24)

March 5, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending section 2-11.1 of the Code; revising financial disclosure requirement pertaining to certain specified public officials, employees, and consultants; providing for tolling of requirement to file annual financial disclosure statement for deployed military personnel under certain circumstances; making technical and conforming changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/jp


MDC001

Memorandum



Date: June 4, 2024

To: Honorable Chairman Oliver G. Gilbert III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Revising Financial Disclosure Requirement

The proposed ordinance, which amends Section 2-11.1 of the Code of Miami-Dade County creating a good cause exception to file financial disclosure statements for members of the military who are away in deployment, will not have a fiscal impact.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: June 4, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

Subject: Social Equity Statement – Ordinance seeks to amend the Ethics Ordinance related to the requirement to locally file a financial disclosure statement shall be tolled until after any military personnel returns from military deployment. – 240326

The proposed resolution has a positive social impact as it would defer the financial disclosure requirement for deployed military personnel, preventing inadvertent noncompliance due to their deployment.

The proposed resolution holds significant potential for positive social impact by addressing a critical issue affecting deployed military personnel. By deferring the financial disclosure requirement for these individuals, the resolution acknowledges the unique challenges faced by service members during deployment and aims to alleviate undue stress and burden associated with compliance.

The primary positive social impact is the reduction of inadvertent noncompliance among deployed military personnel. Deployed service members often face highly demanding and stressful environments, with limited access to resources and administrative support. Meeting financial disclosure requirements under such circumstances can be exceedingly difficult leading to unintentional noncompliance. By deferring these requirements, the resolution helps to mitigate the risk of punitive measures or legal consequences for service members who are unable to fulfill their obligations due to deployment-related constraints.

A handwritten signature in blue ink that reads "Jimmy Morales". The signature is written in a cursive style.

Jimmy Morales
Chief Operating Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: June 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
6-4-24

ORDINANCE NO. _____

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING FINANCIAL DISCLOSURE REQUIREMENT PERTAINING TO CERTAIN SPECIFIED PUBLIC OFFICIALS, EMPLOYEES, AND CONSULTANTS; PROVIDING FOR TOLLING OF REQUIREMENT TO FILE ANNUAL FINANCIAL DISCLOSURE STATEMENT FOR DEPLOYED MILITARY PERSONNEL UNDER CERTAIN CIRCUMSTANCES; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 1996, Miami-Dade County residents voted to amend the Home Rule Charter to create an ethics commission; and

WHEREAS, subsequently, the Board enacted Ordinance No. 97-105, establishing the Miami-Dade County Commission on Ethics and Public Trust (the “Ethics Commission”), an independent agency with advice-giving and quasi-judicial powers that is charged with interpreting and enforcing the County’s ethics rules; and

WHEREAS, these ethics rules are set forth in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the “Ethics Ordinance”), which is codified in section 2-11.1 of the County Code; and

WHEREAS, among other things, the Ethics Ordinance requires certain County officials, employees, and consultants to annually file a financial disclosure statement with the County Elections Department by July 1 of each year, and certain municipal officials, employees, and consultants to annually file a financial disclosure statement with the applicable municipal clerk by such deadline; and

WHEREAS, the Ethics Ordinance further provides that this local financial disclosure requirement “shall be considered as supplemental to and not in substitution of any requirements of chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder,” and, for those persons required to disclose pursuant to Florida law, “[c]ompliance with the financial disclosure provisions of chapter 112 (Part III), Florida Statutes” or “article II, Section 8 of the Florida Constitution . . . and any general laws promulgated thereunder, shall constitute compliance with this section”; and

WHEREAS, section 8, article II of the Florida Constitution and sections 112.3144 and 112.3145 of the Florida Statutes require certain public officials, board members, employees, and candidates for elective office to disclose financial interests by July 1 of each year; and

WHEREAS, section 112.3151 of the Florida Statutes provides authority to the Florida Commission on Ethics to “grant, for good cause, on an individual basis, an extension of time for filing any disclosure required under the provisions of this part or [section] 8(a), [article] II of the State Constitution,” under certain circumstances; and

WHEREAS, however, there is no similar provision in the Ethics Ordinance authorizing extensions to file local financial disclosure statements for good cause shown; and

WHEREAS, one circumstance in which a person may be unable to file a timely financial disclosure statement is when such person is an active duty member of the military who is away on deployment; and

WHEREAS, members of the military who are unable to disclose their financial interests in a given year because they are away serving our Country on deployment should not be found in violation of the Ethics Ordinance; and

WHEREAS, accordingly, this Board wishes to amend the Ethics Ordinance to provide that the requirement to locally file a financial disclosure statement shall be tolled until after any such person returns from military deployment,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The foregoing recitals are hereby approved and incorporated herein.

Section 2. Section 2-11.1 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(i) *Financial disclosure*

(1) All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year>>_<< including the July 1st following the last year that person is in office or held such employment, one ~~[[(\$)]]~~ of the following:

- a. A copy of that person's or firm's current federal income tax return; or
- b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of ~~[[one thousand dollars-(\$)]]~~ \$1,000.00~~[[(\$)]]~~ and a short description of each; or
- c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of article

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

* * *

(5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. Documents required to be filed hereunder by municipal persons or consultants shall be filed with the municipal Clerk of that entity.

(6) >>Tolling. The requirement to file a financial disclosure for a given year shall be tolled for any military personnel deployed as of the July 1 filing deadline, provided that proof of such deployment is submitted in advance of the filing deadline. Upon returning from military deployment, such person shall have 60 days thereafter to file the required financial disclosure, and shall submit therewith written documentation of the duration of deployment. Proof of military deployment shall be submitted to the supervisor of elections or municipal clerk, as applicable, with a copy to the Miami-Dade County Commission on Ethics and Public Trust. For purposes of this paragraph, “deployed” and “deployment” shall mean assigned for duty away from home for military purposes.

(7)<< Public disclosure. All documents filed pursuant to this subsection shall constitute public records within the meaning of chapter 119, Florida Statutes.

>>(8)<<[[~~(7)~~]] Construction. The construction of this subsection shall be considered as supplemental to and not in substitution of any requirements of chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder.

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



James Eddie Kirtley

Prime Sponsor: Chairman Oliver G. Gilbert, III