



OFFICE OF THE CITY ATTORNEY

LTC No.

LETTER TO COMMISSION

TO:

FROM: Raul J. Aguila, City Attorney

DATE:

SUBJECT: Relevant Post-Service Ethics Laws

In light of this year's General Election and the recent announcements by several members of the City Commission of their intention not to seek reelection, this Memorandum has been prepared to provide brief outline of relevant laws applicable to post-service activities of former City elected officials. If you have any questions, please feel free to contact me.

1. Prohibited post-service contracts with City.
Pursuant to City of Miami Beach Code Section 2-462, former members of the City Commission may not, for a period of two years after leaving City service, be eligible to apply for or to serve as employee, independent contractor, or agent for the City, or otherwise enter into any contract (other than for voluntary, non-compensated services) with the City on any matter. (Note: this proscription may be waived by 5/7 vote of City Commission.)
2. Required disclosure¹ of certain business relationships.
Pursuant to City of Miami Beach Code Section 2-450(a)(2): "If a member of the City Commission establishes a business relationship [see Code section for definition] with any person or business entity *within 12 months after a City Commission vote*, which vote the City Commission member knows directly benefits that person or business entity, the subject member of the City Commission shall disclose any such business relationship in writing to the City Clerk within 15 days after the business relationship is established". (Note: the subject "12 month" period referenced above could conceivably occur after an

¹ Disclosure forms referenced herein are available on the links below.

Form 1F 2017 – Final Statement of Financial Interest for those who leave public positions in 2017

http://ethics.state.fl.us/Documents/Forms/Form%201F_2017i.pdf?cp=2017217

Form 9 – Quarterly Gift Disclosure

<http://ethics.state.fl.us/Documents/Forms/Form%209.PDF?cp=2017217>

elected official's tenure with the City has ended, thus requiring disclosure of the particular business relationship.)

3. Lobbying restrictions.

Both State Statute Section 112.313(14) and Miami-Dade County Code Section 2-11.1(q) regulate post-service lobbying activity of municipal elected officials--pursuant to these Laws, former elected Officials of the City are prohibited for a period of two years from leaving City Office from lobbying any City personnel (i.e., officers and employees), **subject to one limited exception:** former elected officials may, during this two-year period, lobby City personnel *other than the City Commission, City Manager and their immediate support staff* if the former elected officials are employed by and lobbying on behalf of a governmental entity, a 501(c)(3) entity, or non-profit entities or educational institutions/entities.

4. Financial and Gift Disclosure.

Pursuant to State and County laws, former elected officials of the City must file financial and gift disclosure forms:

- Florida Statute 112.3145 requires that such officials file their statements of financial interests “...*within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period.*”
- Florida Statute 112.3148(8)(a) provides that a gift disclosure report of a City Commissioner must be filed by no later than the calendar quarter immediately following the calendar quarter in which a gift was received (i.e., gifts received by you during your tenure may require your filing of gift disclosure after you've left office).

RJA/mmm