

MANDATORY ETHICS TRAINING FOR CITY'S ELECTED OFFICIALS

I. Miami Dade County Ethics Training:

Pursuant to Miami-Dade County Code Section 2-11.1(bb), the City's elected officials must:

- Execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance, and shall file the required affidavit with the Ethics Commission prior to being sworn into office; and
- Within ninety (90) days after being sworn into office, submit to the Clerk of the Board of County Commissioners a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course").

Accordingly, the Mayor and City Commissioners must within 90 days from their respective inductions into office complete the County Ethics Commission's ethics course and have their certificates of completion filed with the Ethics Commission.⁴

If you have any questions about the County's ethics training, please contact the Miami-Dade Commission on Ethics and Public Trust by telephone at 305.579.2954 or by e-mail at ethics@miamidade.gov,

II. State of Florida Ethics Training:

Unlike the above County Code Section that requires mandatory ethics training to be taken only once during a City Commission member's term of office, the Mayor and City Commissioners must take the State ethics training every year⁵ during a Commission member's term. Specifically, pursuant to Florida Statute 112.3142 (2)(b), municipal elected officers must:

- Annually complete 4 hours of ethics training on the topics of **State Ethics laws** (s. 8, Art. II of the State Constitution and Chapter 112, Fla. Stats), **Public Records laws** (Chapter 119, Fla. Stats.) and **Public Meetings laws** (Chapter 286, Fla. Stats.); and

⁴ Since the County Code requires that its required ethics training be completed "...within 90 days after being sworn into office," upon completion of his/her present term of office on the City Commission, any incumbent member of the City Commission who in the future is reelected and/or appointed to the City Commission must retake the COE ethics course for any such subsequent term(s).

⁵ Pursuant to Florida Statute 112.3142(d): "...An elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. An elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began."

- Certify on their annual statement of financial disclosure that they have completed the State-required ethics training⁶

The Statute does not require that the ethics training be provided from any particular source (unlike the County law that requires the County Ethics Commission to provide the training) or that the required 4 hours of training consist of any particular combination of training.⁷ So long as the required subjects are covered⁸, the State's requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation (whether via live attendance or webinar), and that any knowledgeable person or entity (other than the reporting City Commission member⁹) may provide the training.

For a listing of available online tutorials, go to State of Florida Commission on Ethics at: <http://www.ethics.state.fl.us> and click on "training" on the top of the page.

⁶ Elected municipal officers are required by s. 8, Art II of the State Constitution to file annually CE Form 1, "Statement of Financial Interests" for disclosure of the preceding year's financial interests; accordingly, members of the City Commission's certification of having completed the State ethics training will be reflected on Form 1, ad infinitum. (Form 1 is available at <http://www.ethics.state.fl.us/financialdisclosure/downloadaform.aspx>)

⁷ See, State COE 13-24.

⁸ A Commission member's prior training on the required topics may be used towards the required 4 hours only if the prior training was completed in same calendar year as the subject reporting period; moreover, a 50-minute "hour" will satisfy one hour of the training requirement, whether it is a Bar Continuing Legal Education for attorneys or is other training for attorney or non-attorney municipal officer.

⁹ "... [T]he requirement [can]not be satisfied by a self-directed learning program consisting of the official's review of materials he-or-she selects independently. By using the term 'training' the statute contemplates education which is provided by persons proficient in the subject matter, rather than self-study." COE 13-24.