



For Immediate Release: February 10, 2016
Contact: Joseph Centorino, Executive Director
(305) 350-0613 or centori@miamidade.gov

Ethics Commission opposes proposed amendments to Public Records Law

The Miami-Dade Commission on Ethics and Public Trust (COE) today voted to oppose bills moving through the Florida Legislature that many believe would negatively impact citizens' access to government records. House Bill 1021 and Senate Bill 1220 eliminate mandatory legal fee awards when a government agency fails to adequately fulfill public records requests. Opponents argue that giving judges discretion to award attorney fees to citizens who successfully sue when records requests aren't met removes a strong incentive for agencies to abide by the law and also blocks access to the courts by citizens who may not be able to afford legal representation. Ethics Commissioners said they do not want to eliminate the mandatory requirement to award the fees, but would like to see judges have more leeway on how *much* should be awarded. The request for opposition to the legislation came from the Jacksonville Ethics Commission, which passed a similar resolution last week and is seeking support from other ethics commissions on the issue.

Are early drafts of a speech subject to Florida's Public Records Law? Different interpretations of state statute are behind a finding of No Probable Cause to a complaint (**C 15-29**) filed under the Miami-Dade Citizens' Bill of Rights against Palmetto Bay Mayor Eugene Flinn, for failing to preserve early versions of his State of the Village address. Working versions of the speech had been shared among the Village Clerk, Public Information Officer and Mayor Flinn when Vice-Mayor John DuBois requested a copy on October 13, 2015; the day before the speech was to be presented. Preliminary drafts of government documents circulated among public officials are generally considered public record. However, since the Mayor relied on contrary advice from the Village Attorney, the Ethics Commission dismissed the complaint, but agreed a Letter of Instruction should be issued to the municipality to avoid future confusion over the preservation of public records.

An employee of the Miami-Dade Water and Sewer Department claimed in a complaint (**C 16-05**) that he suffered retaliation and faced a hostile workplace after reporting violations about his agency to the Department of Environmental Protection. Accusations of retaliation must be made within 60 days of the negative action and this complaint came more than two years after the alleged incidents, so it was dismissed as Not Legally Sufficient.

Ethics Commission Executive Director Joseph Centorino reported that his staff had recommended against granting a conflict of interest waiver to a Tallahassee-based law firm that lobbies on behalf of Miami-Dade County, but also represents ride-sharing company Uber before the Florida Legislature. County ordinance prevents any company that is contracted to represent the County from lobbying against any County position on any issue unless it is granted a waiver by the Board of County Commissioners (BCC). The Pittman Group was retained by Uber to support passage of legislation that would preempt local regulation of so-called Transportation Network Entities like Uber. Ethics Commission staff found that granting a waiver to the Pittman Group to represent Uber while also representing the County created a conflict that should not be waived. The BCC agreed with the recommendation and voted to deny the waiver request at

last Tuesday's (2/2/16) meeting. A similar recommendation made against Ballard Partners on the same issue last year was also accepted by the BCC.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

###