
INQ 16-107 Krimsky

From: Centorino, Joseph (COE)

Sent: Thursday, April 07, 2016 3:56 PM

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Subject: INQ 16-107 Lisa Krimsky, Sea Grant Extension Agent, Miami-Dade County Department of Parks, Recreation and Open Spaces (PROS) (Sunshine Law)

Lisa Krimsky, Sea Grant Agent for the Miami-Dade County Department of Parks, Recreation and Open Spaces (PROS) inquired regarding whether it would be permissible under the Florida Sunshine Law, Section 286.011, Florida Statutes, for her department to arrange for a boat tour of Biscayne Bay for all elected officials in the County for the purpose of educating them on water quality and other environmental issues. Elected officials from the County and all municipalities within the County would be invited. She said that the plan was to invite elected officials and the general public on a first-come, first-serve basis to attend the tour. However, the boat that is planned to be used for the tour can accommodate only 40 persons, and is the only boat they have available that can reasonably be afforded by the department. Therefore, in reality, the group would be very limited and if many elected officials decided to come there might be only few spaces for the public.

I informed Ms. Krimsky that, under these circumstances, the Sunshine Law would apply if more than one person per public board were to attend, and that such severe limitations of public access could create a possible Sunshine Law violation. The Sunshine Law generally requires that the public have reasonable access to public meetings, including inspection tours. In *Finch v. Seminole County School Board*, 995 So. 2d 1068 (Fla. 5th DCA 2008), the court found that a bus trip, taken by School Board members and other School officials and employees plus two members of the media, to examine rezoned areas for possible new School bus routes was deemed to violate the Sunshine Law.

I advised Ms. Krimsky that, to conduct such a tour without the Sunshine Law being implicated would require that they limit attendance to one board member per public board, so that no two members of any public board would be in attendance. If, however, they intended to invite more than one person per board, there would have to be a way to reasonably accommodate the public, such as reserving half of the seats for the public and providing some means for the public to access the meeting by a live video feed to another site accessible by the public. In the event that no more than forty persons sign up for the trip, no such accommodations would be necessary, but I advised her that plans should be in place to deal with the contingency of an overflow of the available seating.

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