
INQ 16-83 Grieco

-----Original Message-----

From: Centorino, Joseph (COE)

Sent: Monday, March 14, 2016 4:28 PM

To: 'Grieco, Michael' <MichaelGrieco@miamibeachfl.gov>

Cc: Aguila, Raul (RaulAguila@miamibeachfl.gov) <RaulAguila@miamibeachfl.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

Subject: INQ 16-83 Michael Grieco, Commissioner, City of Miami Beach (Sunshine Law)

Commissioner Grieco:

You have inquired regarding whether social media communications between two elected officials on the same board about current and future substantive matters may constitute violations of the Sunshine Law, Section 286.011, Florida Statutes.

Please be advised that due to limitations imposed by our enabling ordinance and procedures, I cannot opine on matter which have already occurred, or which involve the actions of a person other than the inquirer. However, I can generally advise you concerning the requirements of the Sunshine Law in such circumstances. There is no question that an intentional communication between two members of a public board about a matter that would foreseeably come before the board would be a Sunshine Law violation. The Attorney General, in AGO 2009-19 has opined that members of a city board or commission must not engage on a facebook page in an exchange or discussion that foreseeably will come before the board for official action. It is also well-established that the same consideration applies to email exchanges (See AGO 89-39). The only exception to that would involve a communication from one board member to the other members of the board which is made a public record by filing it with the clerk, and which does not result in a response to it by another board member.

If you have any further questions along these lines, please give me a call.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

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ethics.miamidade.gov

-----Original Message-----

From: Grieco, Michael [mailto:MichaelGrieco@miamibeachfl.gov]

Sent: Sunday, February 21, 2016 10:25 AM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>

Cc: Aguila, Raul <RaulAguila@miamibeachfl.gov>

Subject: Sunshine

JC,

I need to know if a commissioner communicating with another commissioner regarding current and future substantive matters via social media is a sunshine violation. See attached and comment.

[image1.PNG]

[image2.PNG]

Sent from my iPhone

Michael Grieco

MIAMIBEACH

Michael C. Grieco
Commissioner

OFFICE OF MAYOR AND COMMISSION

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