
INQ 16-91 Foster

From: Ethics (COE)
Sent: Friday, March 18, 2016 3:26 PM
To: Foster, Latori (ISD) <fosterl@miamidade.gov>
Cc: Sanchez, Gerald (CAO) <gks@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: INQ 16-91 Latori Foster, Senior Professional Services Specialist, Miami-Dade County Small Business Development Department (Sunshine Law)

Ms. Foster:

You have inquired in your capacity as Senior Professional Services Specialist for the Small Business Development Department and staff for the Small Business Enterprise Advisory Board, a Miami-Dade County Advisory Board, regarding whether the members of that board may vote on a matter by email in connection with a report to be provided by the board to the Board of County Commissioners. This issue falls within the Sunshine Law, Section 286.011, Florida Statutes. That statute has been interpreted by the Florida Attorney General (AGO 92-42, AGO 98-28) to require that to comply with the Sunshine Law a board must have a quorum physically present for any matter on which it may vote. Further, the Miami-Dade County Attorney has opined that, in order to comply with the Sunshine Law, the voting members of a board must be physically present in order to participate in the meeting and vote. Therefore, I advise you that a meeting may not be in compliance with the Sunshine Law if any of its members votes by email, and that to participate and vote at such a meeting, the board member should be physically present.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: Foster, Latori (ISD)
Sent: Friday, March 18, 2016 12:09 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Ethics Inquiry

Good afternoon,

I am the staff for the Small Business Enterprise Advisory Board. This Advisory Board is active for two years at which time, the Board of County Commissioners (BCC) reviews it to determine if it will continue for another two years. As part of the review, the BCC requests that the Advisory Board provide a report that includes an attendance tally, and its accomplishments for the previous two years. The members were presented with the report so that they vote to presented to the BCC, but they wish to vote by email. Is this allowed?

Thank You,

Latori Foster, Senior Professional Services Specialist

Miami-Dade County

Small Business Development

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