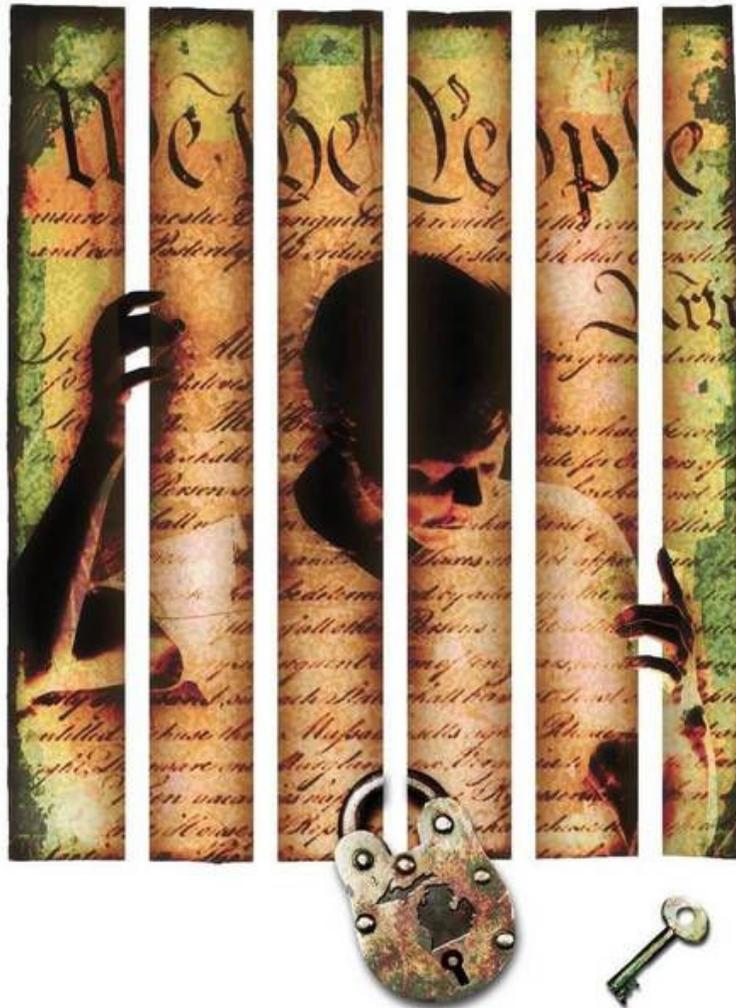


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Miami-Dade voters should pass public records fix; amend Miami Beach's lobbyist ordinance



MIAMI HERALD EDITORIAL BOARD

In November's general election, local voters will be asked to approve an amendment to the Miami-Dade county charter, which Miami Beach voters will consider a resolution that alters what has become a nuisance requirement in the city's lobbying ordinance.

The two referendum questions were created by the Miami-Dade Commission on Ethics and Public Trust (COE), which is urging voters to approve them. So are we. Changes to the county charter should not be considered lightly. It's Miami-Dade's original covenant.

In a nutshell, the county charter change would give the public the right, under the Citizens' Bill of Rights, to copy public records, in addition to the right to inspect them.

Can't we already do that under Sunshine laws? Yes, but that precious right currently is enforceable under state law, but not under county provisions, which means a request to see records could be, legally, rejected.

We should fix that disparity.

Here's a little history: The Citizens' Bill of Rights, which covers only the inspection of public records, was incorporated into the county charter when it was adopted in 1957, long before the common use of duplication equipment and processes.

In 2012, voters gave the Ethics Commission the power to enforce provisions of the Citizens' Bill of Rights. This charter amendment, if adopted, would extend its public-records provision to the right to copy county and municipal records consistent with Florida public-records law. And best of all, the charter change would also give the Ethics Commission the power to enforce the expanded rights.

We join the Ethics Commission in asking voters to approve this charter amendment, which aligns the rights in the charter with those already enforced by state law, thus, erasing any confusion.

The second ballot question is trickier — and is focused solely on Miami Beach, where voters will be asked to amend the city's lobbying ordinance. But it's a fair move. Really.

Here's how things work now: Those who register as lobbyists in Miami Beach are required to submit expenditure reports each year, even if they have no expenses associated with their lobbying activities.

And those who neglect to do so are fined for each day they are late and are reported to the Ethics Commission, which must then use its staff and resources to investigate the negligence.

Ethics Commission Executive Director Joseph Centorino told the Editorial Board that the Commission's staff spends a great deal of time investigating these cases.

But here's the catch: Most of those identified as "violators" often are not regular lobbyists, but professionals who are retained to work on a limited basis and may not be familiar with the rules.

The Ethics Commission often grants substantial reductions or waives of the fines when the penalty is out of proportion to the offense. The fines, rightly, were created to keep close tabs on professional lobbyists. But time-eating enforcement is creating collateral damage.

If voters approve the resolution, the Ethics Commission would continue to enforce the rules for lobbyists who actually do incur expenses and fail to report them. That's work the Commission must continue to do. The way Mr. Centorino sees it, passing the amendment will free up his investigators to go after the real abusers.

The Miami Herald supports passage of the county charter amendment and the Miami Beach lobbying ordinance provision change.



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