



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner

FROM: Jose Arrojo, Executive Director
Commission on Ethics 

SUBJECT: INQ 2021-144, County Client/Vendor Travel, Cruise Line Travel, 2-11.1(w)

DATE: November 16, 2021

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts:

You have advised that MSC Cruises, a global cruise line, is a client/vendor of PortMiami. MSC is showcasing its newest ship in Miami, the Seashore, in an inaugural cruise geared towards cruise/tourism industry representatives and local government officials on November 17, 2021. The Seashore will thereafter be sailing regularly from PortMiami. This will have an economic impact on the Port and the greater Miami-Dade community.

The inaugural cruise is expected to sail from Miami on November 17, 2021, and return from sea to port on November 19, 2021.

In addition to serving as the District 6 Commissioner you are also the Chairperson of the BCC's PortMiami and Environmental Resiliency Committee. That committee has policy oversight over the seaport. Betty Aguirre and Vivian Castro are senior members of your staff and serve as your Chief and Deputy Chief of Staff, respectively.

Because of your official position and your committee's policy oversight as regards the port and its clients/vendors, you and your Chief and Deputy Chief of Staff have been offered the opportunity to sail on the Seashore's inaugural cruise. Cruise and tourism officials will be traveling gratis on the inaugural cruise, but local government officials are being charged a travel fee per night.

During the cruise, you and your staff will be meeting and interacting with the ship's Captain and other members of the MSC corporate leadership team as well as cruise/tourism industry representatives. Additionally, it is expected that there will be at least one official function where you will recognize the ship captain and MSC corporate representatives for their commitment to PortMiami and greater County tourism.

Issue:

May the Commissioner, who serves as the PortMiami Committee Chair, and two members of her senior staff accept the inaugural cruise invitation and if so, may county funds may be used to pay for the travel?

Discussion:

The present fact pattern is almost identical to those presented in prior requests for ethics guidance involving the inaugural ship cruises of other cruise line operators at PortMiami and cruise line invitations to elected officials and senior County staff.¹

In those prior cases, we opined that §2-11.1(w) Ethics Code prohibitions would apply regarding county officials' acceptance of a *free* inaugural cruise. However, if participation in the inaugural cruise had significance to County officials because of PortMiami's partnership with the cruise line that sails out of the port, and there would be a legitimate public benefit accruing to the County because of the networking opportunities available with cruise/tourism officials, then they may accept the cruise invitation and either apply for a waiver from the County Commission, have the County pay for costs associated with the travel, or personally pay for the cruise. (*See* INQ 13-101, INQ 15-182, INQ 18-237, INQ 19-120)

Another provision of the Ethics Code may be implicated by the above described factual scenario is § 2-11.1(e)(4) of the Ethics Code. That section requires disclosure of any gift having a value of \$100 or more. In this instance, meals and beverages will be provided to the county officials sailing on the inaugural cruise. However, because meals and beverages will be included in the cost per

¹ The issue presented is dissimilar to one involving the acceptance by PortMiami employees of a free cruise from another Port Miami client/vendor, Disney Cruise Line. (INQ 12-229). In that instance, a port employee won a free cruise in a raffle. We opined that §2-11.1(w) of the Ethics Code prohibits county officials or employees from accepting, directly or indirectly, any travel expenses, including, but not limited to transportation, lodging, meals, registrations fees and incidentals from any County contractor, vendor, service provider, bidder, or proposer. Because the cruise line was a county contractor or service provider, the prohibition would extend to employees' acceptance of the complimentary cruise unless a waiver was granted by the County Commission.

night cost of the cruise that will be paid with county funds, then consideration has already been paid. These meals and beverages would not be considered reportable gifts. (See RQO-110)

Finally, if other members of the Board of County Commissioners are also traveling on the ship, then under Florida's Government in the Sunshine Law, s. 286.011, F.S., members of a public commission are not prohibited under the law from meeting together socially, as they may while traveling on this ship, provided that matters which may come before the BCC are not discussed at such gatherings. Therefore, there should be no discussion among elected officials during the voyage on matters relating to public business that may come before the BCC.

Opinion:

MSC is a client/vendor of PortMiami, and the Seashore is a new ship that will begin sailing from the port in November 2021. The inaugural cruise is geared to cruise/tourism officials, cruise line executives and specified county officials engaged with the port in policy or operational capacities. It has been represented that there is a legitimate public purpose for the officials' travel and there will be at least one governmental function during the cruise.

Accordingly, Commissioner Sosa, and members of her senior staff that will be supporting and assisting with her official duties, may accept an invitation to the inaugural cruise of the Seashore, operated by County vendor/client MSC, if the costs of the cruise are paid with county funds because there is a legitimate public purpose for the trip. Meals and beverages included in the per night fee to be paid would not be considered gifts that have to be reported.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics. Additionally, guidance regarding Florida's Sunshine Law may be obtained from the Florida Attorney General.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.
