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October 8, 2009

Richard A. Riess
21 NW 169th St.
North Miami Beach, FL 33169

Via First Class Mail and email at com-ad@msn.com

Re: **INQ 09-162 Citizens' Bill of Rights, Right to Notice**

Dear Mr. Riess:

In a letter to our office on September 15, 2009, you asked for an interpretation of Florida Statute 286.011 regarding the reasonable notice of public meetings.

The Miami-Dade Commission on Ethics does not have jurisdiction to interpret State law. However, the Miami-Dade Home Rule Charter authorizes the Ethics Commission to interpret the Home Rule Charter, which contains a provision for Right to Notice under the Citizens' Bill of Rights.

To determine whether the County's Right to Notice provision applied to the facts presented in your letter, I discussed your matter with the Ethics Commission Executive Director and Staff General Counsel. We are of the opinion that the Right to Notice contained in the County's Citizens' Bill of Rights is a citizen's right to be notified of *hearings that will specifically affect him or her*, such as a zoning hearing, issuing of a license or a permit, or a tax abatement procedure. The Right to Notice does not apply to the facts presented in your letter regarding City Council *public meetings*.

Below is the relevant portion of the Miami-Dade County Citizens' Bill of Rights:

Right to Notice. Persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing. Copies of

proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution. Miami-Dade County Home Rule Charter, Part I.

I'm sorry that we cannot respond to your question, but as you know, the Attorney General's Office and State Attorney's Office have authority to interpret and enforce the Florida Sunshine Law.

Sincerely,



VICTORIA FRIGO
Staff Attorney