

## Frigo, Victoria (COE)

---

**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, May 14, 2013 11:46 AM  
**To:** 'Pepe, Thomas F.'  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Madison Square Communication with Developer INQ 13-118)

Mr. Pepe,

You are correct that the Sunshine Law is not violated if a successful bidder meets individually with members of the South Miami Community Redevelopment Agency (CRA), as long as the bidder does not act as a liaison between the CRA members and does not reveal the communications he has had with other CRA members.

Be advised, however, that the bidder must act judiciously in order to avoid violating the Sunshine Law. In one case, individual meetings with board members that were held in "rapid-fire succession" and apparently conducted in order to evade a public hearing were found to amount to a *de facto* meeting of the board in violation of Fla. Stat. 286.011. *Blackford v. School Board of Orange County*, 375 So. 2d 578, 580 (Fla. 5<sup>th</sup> DCA 1979).

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

Direct Phone: 305 350-0601  
Main Number: 305 579-2594  
Fax: 305 579-0273



19 West Flagler St., Suite 820  
Miami, FL 33130

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**From:** Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]  
**Sent:** Thursday, May 09, 2013 11:50 AM  
**To:** Frigo, Victoria (COE)  
**Cc:** Pepe, Thomas F.  
**Subject:** Madison Square Communication with Developer

The City's Community Redevelopment Agency has chosen a Developer, after the applicable solicitation process had ended, to negotiate a contract for the development of affordable housing and commercial space in the redevelopment area. The developer would like to have individual meetings with the Agency members to obtain their input for the design of the project, and other matters. Is it a violation of the Sunshine Law, or otherwise unlawful, for the Developer to have these communications with one Agency member at a time, as long as the Developer does not reveal the communication that it has had with other Agency members.

Very truly yours,

*Thomas F. Pepe*

City Attorney  
City of South Miami  
1450 Madruga Avenue, Ste 202,  
Coral Gables, Florida 33146  
Tel: (305) 667-2564  
Fax: (305) 341-0584  
E-mail: [tpepe@southmiamifl.gov](mailto:tpepe@southmiamifl.gov)

ATTENTION: This e-mail may contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee named above. If you are not the intended receiver, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone, call collect if outside of your area code and delete this e-mail. We will reimburse you for the cost of your long distance call. Thank you. Please also note: All e-mails to and from this e-mail site are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time pursuant to Florida Statutes, ch. 119.