

**MEMORANDUM**

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners


**DATE:** June 30, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging Congress to  
pass the Local Radio Freedom  
Act

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls




# MEMORANDUM

(Revised)

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(4)  
6-30-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING CONGRESS TO PASS THE LOCAL  
RADIO FREEDOM ACT

**WHEREAS**, concurrent resolutions have been filed in the U.S. Senate and House, Senate Concurrent Resolution 14 by Senator Blanche Lincoln (R – Arkansas) and House Concurrent Resolution 49 by Representative Gene Green (D – Texas), entitled the Local Radio Freedom Act and opposing the introduction of any new performance fee, tax, royalty, or other charge on local radio stations; and

**WHEREAS**, the Local Radio Freedom Act is supported by the National Association of Broadcasters and counters legislation supported by the Recording Industry Association of America, entitled the Performance Rights Act, S. 379 by Senator Patrick Leahy (D – Vermont) and H.R. 848 by Representative John Conyers (D – Michigan), which would require local radio stations to pay a new fee for music played for listeners; and

**WHEREAS**, local radio stations currently provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise; and

**WHEREAS**, local radio broadcasters also provide tens of thousands of hours of local news and weather information, including news and weather during times of emergencies and natural disasters, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fundraising efforts for worthy

charitable causes, all of which would be jeopardized if local radio stations are required to pay a new performance fee; and

**WHEREAS**, there are many thousands of local radio stations that will suffer severe economic hardship if a new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

**WHEREAS**, the hardship that would result from a new performance fee would hurt American businesses, and ultimately the American consumers who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges Congress to pass the Local Radio Freedom Act.

**Section 2.** Urges Congress to pass House Concurrent Resolution 49, Senate Concurrent Resolution 14 or similar legislation, opposing the introduction of any new performance fee, tax, royalty, or other charge on local radio stations.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the two U.S. Senators that represent Florida and the members of the Miami-Dade County Congressional Delegation.

**Section 4.** Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of

Intergovernmental Affairs to include this item in the 2009 and 2010 Federal Legislative Packages.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Jose "Pepe" Diaz. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty

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