

# MEMORANDUM

Agenda Item No. 5(A)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

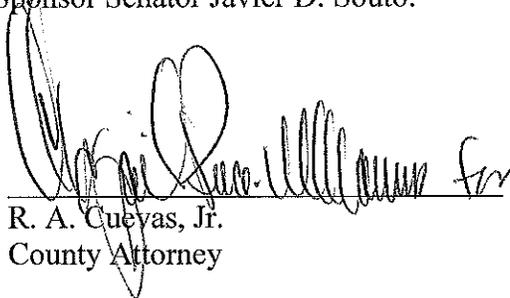
**DATE:** June 19, 2012

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

**SUBJECT:** Ordinance amending Sec.  
2-2014 of the Code  
concerning the Community  
Periodical Advertising  
Program

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell and Co-Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.  
County Attorney

RAC/jls

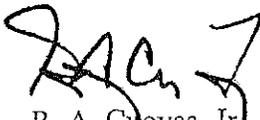


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** June 19, 2012

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

**SUBJECT:** Agenda Item No. 5(A)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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

Agenda Item No. 5(A)  
6-19-12

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-2014 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING THE COMMUNITY PERIODICAL ADVERTISING PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Community Periodical Advertising Ordinance would better serve the purposes of the program if it were amended to clarify the definition of non-advertising content and other matters, to require 6 pages of non-advertising content rather than 50% non-advertising content, and to provide that the provisions concerning non-advertising content are prospective only so that a periodical need not have a three year history of providing that amount of non-advertising content to qualify for the program,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-2014 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-2014. Qualifications.**

To qualify for participation in this program a community periodical must meet the following conditions, and have a history of meeting the conditions in sub-sections (b), (c), (e), (f), (g), (h), and (k), for three years prior to entering the program:

- (a) be circulated free of charge. A periodical will be deemed circulating free of charge even if it charges for copies that are delivered by mail provided that at least eighty percent of its circulation is distributed at distribution points in

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

public places in Miami-Dade County where the public can obtain copies free of any charge, as provided herein. The periodical shall not display a per edition charge anywhere in the publication, but may advertise a subscription rate for copies delivered by mail;

- (b) ~~contain articles of local, national, or international news of interest to the general public; [[the content of the periodical as measured by space must consist of no less than 50 percent editorial content, which means news, calendar items, stories, photographs, and editorials which are not paid for by a third party; this editorial content must consist of no less than 1000 words; and any content paid for by a third party, including commercial and political advertising, must be labeled to indicate it is paid advertising.]]~~
- (c) be published in amounts of no less than 5,000 copies for each edition which must be distributed within Miami-Dade County;
- (d) contain no less than 12 pages in each edition[[;]] >>and contain no less than 6 pages of non-advertising content such as news, calendar items, stories, photographs, recipes, comics, puzzles, and editorials; this content must consist of no less than 1000 words; and any content whose placement in the periodical is paid for by a third party, including commercial and political advertising, must be labeled to indicate it is paid advertising when necessary to avoid consumer confusion.<<
- (e) prominently display the publication date on the masthead, cover, inside cover or other easily viewed location;
- (f) be published continuously throughout the year on a schedule set before the year begins, either once per month, twice per month, or four times per month;
- (g) have a main office or headquarters from which the periodical is published with a street address located in Miami-Dade County;
- (h) have an occupational license that reflects its main office or headquarters street address and that is valid for the year in which the periodical intends to participate in the program;
- (i) be printed in Miami-Dade County; but use of printing facilities outside of the County is permissible in emergency situations outside the control of the periodical, provided the

periodical returns to printing in the County when the emergency has ended;

- (j) be distributed in an established manner, either by mail or by delivery to no less than 10 different distribution points dispersed throughout the community it serves, none of which shall be a County-owned facility;
- (k) have a history of having published continuously for at least three years prior to the first year for which it seeks to participate in the program;
- (l) be registered as a vendor with the Miami-Dade County Internal Services Department, or its successor department responsible for registering vendors;
- (m) have a rate card reflecting the periodical's standard rates;
- (n) provide Miami-Dade County with price guarantee for rates for the year in which it intends to participate that comply with the rate requirements of this ordinance;
- (o) otherwise have complied with the provisions of this ordinance regarding including, but not limited to, applications, upkeep of records, reporting changes in information, and audit; and
- (p) provide business documents indicating the persons who control or own the periodical, such as articles of incorporation or partnership agreements.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

APW  
TWL

Prepared by:

Thomas W. Logue

Prime Sponsor: Commissioner Lynda Bell  
Co-Sponsor: Sen. Javier D. Souto

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