

MEMORANDUM

Agenda Item No. 7(A)

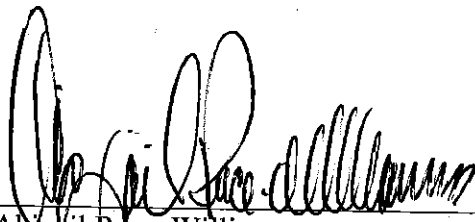
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 5-17-16)
December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance creating section 12-14.2 of the Code to provide for reporting requirements for County and municipal elected officers and candidates regarding solicitation of contributions for political committees and electioneering communications organizations; providing penalties for failure to report; providing for enforcement by the Commission on Ethics and Public Trust

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: May 17, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Ordinance Relating Reporting Requirements Solicitation of Contributions for
Political Committees and Electioneering Communication Organizations

The proposed ordinance creates Section 12-14.2 of the Code of Miami-Dade County providing for reporting requirements for county and municipal elected officers and candidates regarding solicitation of contributions for political committees and electioneering communications organizations and provides for penalties for failure to report enforceable by the Commission on Ethics and Public Trust.

Implementation of this ordinance will not have a fiscal impact to the County. Existing resources within the Elections Department and the Commission on Ethics and Public Trust will be able to manage the review and enforcement provisions of the ordinance with existing staff.

A handwritten signature in black ink, appearing to read "Alina Hudak", written over a horizontal line.

Alina Hudak
Deputy Mayor

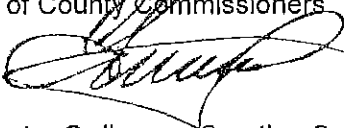
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Memorandum



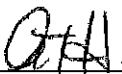
Date: May 17, 2016

To: Honorable Chairman Jean Monestime
And Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement – Ordinance Creating Section 12-14.2 of the Code of Miami-Dade County, Florida, to Provide for Reporting Requirements for County and Municipal Elected Officers and Candidates Regarding Solicitation of Contributions for Political Committees and Electioneering Communications Organizations

The proposed ordinance creates Section 12-14.2 of the Code requiring County and municipal elected officers and candidates to report any solicitation of contributions for political committees and electioneering communications organizations. This ordinance has the potential to provide additional information to the public on fundraising activities by candidates and public officials to aid in the transparency and accountability in government.



Alina T. Hudak
Deputy Mayor

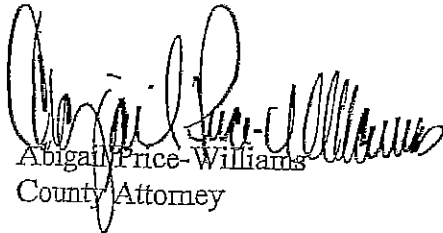


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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

Agenda Item No. 7(A)

Veto _____

5-17-16

Override _____

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 12-14.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR REPORTING REQUIREMENTS FOR COUNTY AND MUNICIPAL ELECTED OFFICERS AND CANDIDATES REGARDING SOLICITATION OF CONTRIBUTIONS FOR POLITICAL COMMITTEES AND ELECTIONEERING COMMUNICATIONS ORGANIZATIONS; PROVIDING PENALTIES FOR FAILURE TO REPORT; PROVIDING FOR ENFORCEMENT BY THE COMMISSION ON ETHICS AND PUBLIC TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board believes that transparency and accountability in government is fundamental to the public's faith in the democratic process; and

WHEREAS, this Board desires that campaign fundraising activities by candidates and public officials be transparent and accessible by all residents of Miami-Dade County; and

WHEREAS, fundraising through political committees and electioneering communications organizations creates the potential for anonymous campaign fundraising that can function as a barrier between citizens and those seeking to represent them in elective office; and

WHEREAS, state law and the rules of the Florida legislature currently require that some state officers and legislators disclose when they fundraise for political committees or electioneering communication organizations; and

WHEREAS, this Board desires to establish similar requirements for County and municipal officials and candidates within Miami-Dade County; and

WHEREAS, requiring public officials and candidates to publicly disclose their fundraising activities for political committees or electioneering communications organizations would provide needed sunlight on the campaign fundraising process and allow voters to make informed decision about candidates,

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

Section 1. Section 12-14.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows in its entirety:

Sec. 12-14.2. County and Municipal Elected Officer and Candidate Reporting Requirements for Political Committee and Electioneering Communication Organization Solicitations.

- (1) Each campaign treasurer designated by a candidate for County or municipal office in Miami-Dade County shall, at the time of filing any contribution or expenditure reports otherwise required by law, file an additional electronic report with the Supervisor of Elections or other applicable filing officer regarding solicitation activities on behalf of any political committee or electioneering communications organization. The report shall identify each contribution solicited, directly or indirectly, by the candidate, the name of the person or entity contributing the funds, the name of the political committee or electioneering communications organization on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the candidate and the political committee or electioneering communications organization, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose.
- (2) Each County or municipal elected officer in Miami-Dade County who is not also a candidate for another County or municipal office shall, on a monthly basis commencing one year prior to the date such officer's office is to be filled by election, file an electronic report with the Supervisor of Elections or other applicable filing officer regarding solicitation activities undertaken on behalf of any political

committee or electioneering communications organization during the preceding month. The report shall identify each contribution solicited, directly or indirectly, by the officer, the name of the person or entity contributing the funds, the name of the political committee or electioneering communications organization on behalf of whom such funds were solicited, the amount of the contribution, and a description of the relationship between the officer and the political committee or electioneering communications organization, if any. The report shall be filed on a form created by the Supervisor of Elections for such purpose.

- (3) Any County or municipal elected officer or candidate who fails to file a report as required by this section on the designated due date shall be subject to a fine of \$50 per day for the first three (3) days and, thereafter, \$500 per day for each day late not to exceed \$5,000. Such fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate or officer. Any candidate or officer no change dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice that payment is due or such appeal or dispute shall be waived.

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:

AW
OR

Prepared by:

Oren Rosenthal

Prime Sponsor: Commissioner Daniella Levine Cava
Co-Sponsor: Commissioner Sally A. Heyman