

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(4)

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

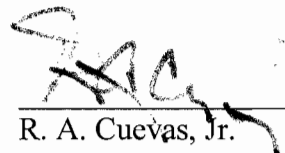
DATE: June 30, 2009

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

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

Resolution No. R-862-09

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)

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

DATE: June 30, 2009

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

SUBJECT: Agenda Item No. 11(A)(4)

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. R-862-09

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 **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Natacha Seijas** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 30th 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty