



MEMORANDUM

Agenda Item No. 7(H)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE:

(Second Reading 12-4-12)
October 23, 2012


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

SUBJECT:

Ordinance amending Sec.
2-2014 of the Code concerning
qualifications to participate
in the Community Periodical
Advertising Program

Ordinance No. 12-104

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum



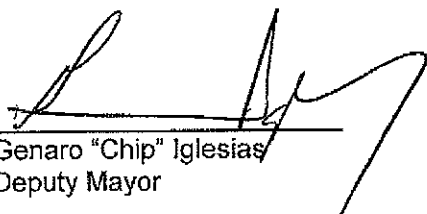
Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Section 2-2014 of the Code Concerning Qualifications to
Participate in the Community Periodical Program

The proposed ordinance amending Section 2-2014 of the Code, amends the qualifications for participation in the Community Periodical Program to allow for printing facilities outside of the County to be used when the cost of printing the periodical within the County is ten percent or more expensive than the cost of printing outside the County. While the implementation of this ordinance may allow more solicitors to qualify, it will not have a fiscal impact to the County because funding for the program will remain the same.



Genaro "Chip" Iglesias
Deputy Mayor


Fis1413



MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 7(H)

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. 7(H)
12-4-12

ORDINANCE NO. 12-104

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

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the people of Miami-Dade County to continue, in a moderate and reasonable manner, to promote printing facilities in Miami-Dade County that are available to print publications like those that qualify to be part of the Community Periodical Program in order to provide an alternative method of disseminating news to poor, elderly, minority, and disadvantaged residents who cannot afford to subscribe to mainstream newspapers,

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:¹

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

¹ 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.

of its circulation is distributed at distribution points in 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;
- (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>>; and use of printing facilities outside of the County is also permissible when the cost of printing the periodical within the County is ten percent or more expensive than the cost of printing outside the

County, as reflected in written cost estimates or bills obtained by the periodical from the printers<<;

- (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.

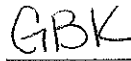
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: December 4, 2012

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Thomas W. Logue
Geri Bonzon-Keenan

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Lynda Bell