

# MEMORANDUM

Agenda Item No. 11(A)(2)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** May 4, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution urging the United States Congress to enact legislation designed to prohibit retail businesses from refusing to accept cash payments for goods or services; directing the County Mayor to examine the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments for goods or services, and requiring a report

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** May 4, 2021

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(2)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ 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. 11(A)(2)  
5-4-21

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

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION DESIGNED TO PROHIBIT RETAIL BUSINESSES FROM REFUSING TO ACCEPT CASH PAYMENTS FOR GOODS OR SERVICES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXAMINE THE FEASIBILITY OF PROHIBITING RETAIL BUSINESSES IN MIAMI-DADE COUNTY FROM REFUSING TO ACCEPT CASH PAYMENTS FOR GOODS OR SERVICES, AND REQUIRING A REPORT

**WHEREAS**, a growing number of retail establishments across the United States have adopted "cashless policies," declaring that they refuse to accept cash payment from their customers, and, instead, require that payment for the goods and services offered by such retailers be made only with credit cards, debit cards, or digital payment methods that result in electronic transfers of funds to the retailer; and

**WHEREAS**, such policies threaten to send a message that certain customers are not welcome in certain stores; and

**WHEREAS**, cashless policies discriminate against millions of customers who do not have the resources to participate in cashless transactions; and

**WHEREAS**, according to the Federal Reserve, there are an estimated 55 million unbanked or underbanked adult Americans; and

**WHEREAS**, these Americans would be disenfranchised from cashless retail establishments; and

**WHEREAS**, currently, while some states have passed laws that require businesses to accept cash, there is no federal law prohibiting stores from declining cash payments; and

**WHEREAS**, related Senate and House Bills, Senate Bill (“S.”) 4145 by U.S. Senator Robert Menendez (D – New Jersey) and House of Representatives Bill (“H.R.”) 2560 by U.S. Representative Donald M. Payne, Jr. (D – New Jersey), were filed for consideration during the 116th United States Congress; and

**WHEREAS**, if enacted, these bills would have made it unlawful for a person selling goods or services at retail to refuse to accept cash for the goods or services; and

**WHEREAS**, this Board wishes to allow all customers the freedom to choose a payment option that works for them; and

**WHEREAS**, this Board believes that legislation similar to S. 4145 and H.R. 2560 from the 116th Congress would provide that freedom of choice in how customers wish to pay for goods or services; and

**WHEREAS**, consequently, this Board desires that the County Mayor or the County Mayor’s designee examine the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments,

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

**Section 1.** Urges the United States Congress to enact legislation that would prohibit retail businesses from refusing to accept cash payments for goods or services.

**Section 2.** Directs the County Mayor or County Mayor’s designee to examine the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments for goods or services.

**Section 3.** Directs the County Mayor or County Mayor's designee to provide a report or recommendation regarding the directive in section 2, to this Board within 30 days of the effective date of this resolution and to place the completed report on an agenda of this Board pursuant to Ordinance No. 14-65.

**Section 4.** Directs the Clerk of the Board to transmit a certified copy of this resolution to United States Senator Robert Menendez, United States Representative Donald M. Payne, Jr., all cosponsors of S. 4145, H.R. 2650, and the members of the Florida Congressional Delegation.

**Section 5.** Directs the County's federal lobbyists to advocate for the legislative action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 federal legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Senator René García. 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:

|                                       |                        |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman            |                        |
| Oliver G. Gilbert, III, Vice-Chairman |                        |
| Sen. René García                      | Keon Hardemon          |
| Sally A. Heyman                       | Danielle Cohen Higgins |
| Eileen Higgins                        | Joe A. Martinez        |
| Kionne L. McGhee                      | Jean Monestime         |
| Raquel A. Regalado                    | Rebeca Sosa            |
| Sen. Javier D. Souto                  |                        |

The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> day of May, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.

RC

Ryan Carlin