

MEMORANDUM

Agenda Item No. 11(A)(3)


TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to (1) prohibit County employees from downloading or using TikTok on any County-issued devices; (2) prohibit persons or entities contracting with the County from downloading or using TikTok on any County-owned or County-leased devices; (3) develop a procedure for the timely removal of TikTok from all County-owned and County-leased devices; (4) develop a policy and procedure providing for public safety and cybersecurity exemptions; and (5) provide a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
3-7-23

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO (1) PROHIBIT COUNTY EMPLOYEES FROM DOWNLOADING OR USING TIKTOK ON ANY COUNTY-ISSUED DEVICES; (2) PROHIBIT PERSONS OR ENTITIES CONTRACTING WITH THE COUNTY FROM DOWNLOADING OR USING TIKTOK ON ANY COUNTY-OWNED OR COUNTY-LEASED DEVICES; (3) DEVELOP A PROCEDURE FOR THE TIMELY REMOVAL OF TIKTOK FROM ALL COUNTY-OWNED AND COUNTY-LEASED DEVICES; (4) DEVELOP A POLICY AND PROCEDURE PROVIDING FOR PUBLIC SAFETY AND CYBERSECURITY EXEMPTIONS; AND (5) PROVIDE A REPORT

WHEREAS, TikTok, a video-sharing social media application with over a billion users globally, is owned by ByteDance Ltd., an internet technology company headquartered in China; and

WHEREAS, TikTok has been downloaded in the United States on over 100 million devices; and

WHEREAS, TikTok automatically captures personal information of its users, such as their location data and their search histories; and

WHEREAS, Chinese-based employees of TikTok, according to the company's CEO, have access to United States users' data; and

WHEREAS, legislation enacted by the Chinese Communist Party, titled the 2017 National Intelligence Law, requires Chinese citizens and businesses to share data with the Chinese government in furtherance of its efforts to gather intelligence; and

WHEREAS, access by the Chinese Communist Party to Americans’ personal information and data can pose security risks at the national, state, and local levels; and

WHEREAS, on June 9, 2021, President Joseph R. Biden Jr. issued Executive Order 14034 initiating an investigation of the national security risks posed by foreign-owned apps such as TikTok, citing concerns over foreign adversaries accessing the personal information of persons who live United States; and

WHEREAS, on December 14, 2022, the United States Senate passed S. 1134, a bill filed by Senator Josh Hawley (R–Missouri) titled the “No TikTok on Government Devices Act,” which requires certain federal agencies to create guidelines for the removal of TikTok from all devices issued by the federal government and used by executive agencies; and

WHEREAS, on December 29, 2022, President Joseph R. Biden Jr. signed into law H.R. 2617, the “Consolidated Appropriations Act, 2023,” an omnibus spending bill that includes the provisions of S. 1134 requiring removal of TikTok from all devices issued by the federal government and used by executive agencies; and

WHEREAS, a growing list of governors, including those from Alabama, Georgia, Oklahoma, North Dakota, Texas, Nebraska, South Carolina, Iowa, Maryland, Montana, Virginia, New Hampshire, Idaho, and South Dakota, have issued executive orders banning TikTok on state-owned devices due to potential security concerns; and

WHEREAS, a prohibition on downloading or using TikTok on Miami-Dade County-issued devices would help protect the personal information and data of the County’s employees, contractors, and agents; and

WHEREAS, this Board seeks to maintain the cybersecurity of Miami-Dade County’s government, as is necessary to serve the residents of the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to:

Section 1. Prohibit all County employees from downloading or using the TikTok application, or visiting the TikTok website, on any County-issued device, including County-issued cell phones, laptops, or other devices capable of connecting to the internet.

Section 2. Prohibit any person or entity contracting with the County, including but not limited to any agencies, boards, and commissions, from downloading or using the TikTok application, or visiting the TikTok website, on any County-owned or County-leased devices.

Section 3. Develop a procedure for all County employees and all persons or entities contracting with the County who have already downloaded TikTok to any County-owned or County-leased devices to timely remove, delete, and uninstall the TikTok application from such devices.

Section 4. Develop a policy and procedure providing for exemptions from the requirements set forth in Sections 1 through 3 above for public safety or cyber security reasons. Such policy and procedure shall include, at a minimum, (a) exemptions for law enforcement and cybersecurity research and investigations, and (b) requirements for County departments, agencies, boards, and commissions to abide by Enterprise Security Office documented risk mitigation for any use authorized under an exemption.

Section 5. Directs the County Mayor or County Mayor's designee to provide a report to this Board regarding the directives set forth in Sections 3 and 4 of this resolution within 30 days of the effective date of this resolution. The completed report shall be placed on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins.

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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March 2023. 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.

SMG

Sophia Guzzo
Michael J. Mastrucci