

MEMORANDUM

Agenda Item No. 11(A)(18)

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 urging the Florida Legislature to amend the current preemption under state law and allow local governments to require restaurants within their jurisdiction to have paper menus available for guests; urging restaurant owners in Miami-Dade County to have paper menus available for guests

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



Geri Bonzon-Keenan
County Attorney

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MEMORANDUM
(Revised)

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

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Gen Bonzon-Keenan
County Attorney

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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)(18)
3-7-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND THE CURRENT PREEMPTION UNDER STATE LAW AND ALLOW LOCAL GOVERNMENTS TO REQUIRE RESTAURANTS WITHIN THEIR JURISDICTION TO HAVE PAPER MENUS AVAILABLE FOR GUESTS; URGING RESTAURANT OWNERS IN MIAMI-DADE COUNTY TO HAVE PAPER MENUS AVAILABLE FOR GUESTS

WHEREAS, Quick Response (“QR”) code menus, or digital menus, have become very popular in restaurants over the last few years; and

WHEREAS, QR code technology is not new, but became much more widely used during the coronavirus disease 2019 (“COVID-19”) pandemic to replace high-touch traditional print menus with a contactless alternative; and

WHEREAS, however, the Centers for Disease Control and Prevention (“CDC”) has since discovered that the risk of covid transmission via a contaminated surface is generally considered to be low; and

WHEREAS, additionally, in many communities throughout Florida, such as Miami-Dade County, vaccination rates are high, and COVID-19 case rates are low; and

WHEREAS, and yet, many restaurants continue to use digital-only menus, which may become a permanent element of public life; and

WHEREAS, similar to cashless policies, digital-only menus threaten to send a message that certain customers are not welcome in certain restaurants; and

WHEREAS, digital-only menus are alienating for many kinds of customers as the QR technology can be confusing or inaccessible; and

WHEREAS, customers who do not have a smartphone or robust data plan, including children and about one-third of adults age 65 and older and one-quarter of adults with household incomes below \$30,000.00 per year, would be effectively disenfranchised from restaurants that do not have paper menus; and

WHEREAS, this Board wishes to allow all customers the freedom to chose a menu that works for them; and

WHEREAS, however, under current state law, cities and counties in Florida are preempted from passing legislation regulating restaurant menus because the State of Florida currently has exclusive jurisdiction, except in limited circumstances not applicable here, to regulate restaurants pursuant to Chapter 509, Florida Statutes,

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

Section 1. Urges the Florida Legislature to amend the current preemption under state law and allow local governments to require restaurants within their jurisdiction to have paper menus available for guests.

Section 2. Urges restaurant owners in Miami-Dade County to have paper menus available for guests.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item, and to also include this item in the 2024 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RC

Ryan Carlin