

MEMORANDUM

CPC
Agenda Item No. 2(B)

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

DATE: May 8, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to (1) negotiate an amendment to existing Transit Advertising Contracts to prohibit advertisements displaying the image or likeness of any candidate as that term is defined in section 97.021, Florida Statutes; (2) include such language in future procurement solicitation documents for future Transit Advertising Contracts; and (3) prepare a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM
(Revised)

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

DATE: June 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

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

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO (1) NEGOTIATE AN AMENDMENT TO EXISTING TRANSIT ADVERTISING CONTRACTS TO PROHIBIT ADVERTISEMENTS DISPLAYING THE IMAGE OR LIKENESS OF ANY CANDIDATE AS THAT TERM IS DEFINED IN SECTION 97.021, FLORIDA STATUTES; (2) INCLUDE SUCH LANGUAGE IN FUTURE PROCUREMENT SOLICITATION DOCUMENTS FOR FUTURE TRANSIT ADVERTISING CONTRACTS; AND (3) PREPARE A REPORT

WHEREAS, Miami-Dade County has three contracts with private entities for the solicitation and placement of advertising on County transit vehicles and Metrorail stations, County bus passenger benches, and County bus passenger shelters ("Transit Advertising Contracts"); and

WHEREAS, Transit Advertising Contracts prohibit the placement of political advertisements, including those for political candidates; and

WHEREAS, section 97.021, Florida Statutes defines a candidate as "any person to whom any one or more of the following applies:

- (a) Any person who seeks to qualify for nomination or election by means of the petitioning process.
- (b) Any person who seeks to qualify for election as a write-in candidate.
- (c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.”; and

WHEREAS, the placement of advertisements--ostensibly for a commercial product but including the image or likeness of a candidate for elected office--could constitute a method to circumvent the County's desire to not include political advertisements on its transit assets; and

WHEREAS, the County wishes to avoid even the appearance of using transit resources to favor any particular candidate or political issue,

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

Section 1. Directs the County Mayor or County Mayor's designee to negotiate an amendment to existing Transit Advertising Contracts to prohibit advertisements displaying the image or likeness of any candidate as that term is defined in section 97.021, Florida Statutes.

Section 2. Directs the County Mayor or County Mayor's designee to include language in future procurement solicitation documents for transit advertising contracts to prohibit advertisements displaying the image or likeness of any candidate as defined in section 97.021, Florida Statutes.

Section 3. Further directs the County Mayor or County Mayor's designee to provide a written report to this Board within 90 days of the effective date of this resolution regarding the actions taken pursuant to the directives in sections 1 and 2 above. 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 Juan Carlos Bermudez. 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 6th day of June, 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.



Bruce Libhaber