

# MEMORANDUM

Agenda Item No. 11(A)(7)

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

**DATE:** June 21, 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  
regulate restaurant payment  
policies and require restaurants  
within their jurisdiction to accept  
cash as a form of payment from  
guests

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

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

MDC001



**MEMORANDUM**  
(Revised)

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

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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)(7)  
6-21-23

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
AMEND THE CURRENT PREEMPTION UNDER STATE LAW  
AND ALLOW LOCAL GOVERNMENTS TO REGULATE  
RESTAURANT PAYMENT POLICIES AND REQUIRE  
RESTAURANTS WITHIN THEIR JURISDICTION TO ACCEPT  
CASH AS A FORM OF PAYMENT FROM GUESTS

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

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

**WHEREAS**, cashless policies discriminate against millions of customers who do not have the resources or ability 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 establishments; and

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

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

**WHEREAS**, therefore, on May 17, 2022, this Board passed and adopted Ordinance No. 22-53, creating section 21-60 of the Code, the “Cashless Retail Prohibition,” which prohibits retail businesses from refusing to accept cash payments for goods or services; and

**WHEREAS**, the purpose of the Cashless Retail Prohibition is to ensure that all County residents—including those who lack access to other forms of payment, such as elderly, low-income, and disabled persons—are able to participate in the County’s economic life by paying cash for goods and services; and

**WHEREAS**, however, under current state law, cities and counties in Florida are preempted from adopting legislation regulating restaurant payment policies because the State of Florida currently has exclusive jurisdiction, except in limited circumstances not applicable here, to regulate such payment policies 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 regulate restaurant payment policies and require restaurants within their jurisdiction to accept cash as a form of payment from guests.

**Section 2.** 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 3.** 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 include this item in the 2024 State Legislative Package when it is presented to the Board.

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:

- |                                  |                      |
|----------------------------------|----------------------|
| 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 21<sup>st</sup> 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Ryan Carlin