

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: November 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to adopt Senate Bill 106, House Bill 35, or similar legislation that would require certain businesses to accept cash payments for certain transactions; urging the United States Congress to adopt similar legislation

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/jp

MDC001



MEMORANDUM
(Revised)

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

DATE: November 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
11-7-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT SENATE BILL 106, HOUSE BILL 35, OR SIMILAR LEGISLATION THAT WOULD REQUIRE CERTAIN BUSINESSES TO ACCEPT CASH PAYMENTS FOR CERTAIN TRANSACTIONS; URGING THE UNITED STATES CONGRESS TO ADOPT SIMILAR LEGISLATION

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 Florida or federal law prohibiting stores from declining cash payments; and

WHEREAS, therefore, on May 17, 2022, this Board passed and adopted Ordinance No. 22-53 (“Ordinance”), finding that it is in the best interests of the residents of Miami-Dade County to ensure its economy is inclusionary and accessible to everyone; and

WHEREAS, the Ordinance created Section 21-60 of the Code of Miami-Dade County, the “Cashless Retail Prohibition,” which prohibits retail businesses from refusing to accept cash payments for goods or services; and

WHEREAS, additionally, Senate Bill (“SB”) 106 and House Bill (“HB”) 35 have been filed for consideration during the Florida Legislature’s 2024 session by Senator Shevrin “Shev” Jones (D – Miami Gardens) and Representative Dr. Joel Rudman (R – Navarre), respectively; and

WHEREAS, if enacted, SB 106 and HB 35 would require certain businesses to accept cash payments for certain transactions; and

WHEREAS, specifically, the bills would require businesses operating (a) at a fixed, permanent physical premises, (b) from a vehicle or other mobile space, or (c) from a temporary physical premises, to accept cash payments for any transaction involving the purchase of any tangible good or any service if, in connection with such transaction, the business would accept one or more other forms of payment and the customer seeking to engage in such transaction is physically present at the place of business; and

WHEREAS, this Board would again like to express its support for those customers who do not have the resources or ability to participate in cashless transactions by urging the Florida Legislature to support SB 106, HB 35, or similar legislation that would require businesses to accept cash payments for goods or services, and also by urging the United States Congress to support similar legislation,

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 adopt Senate Bill 106, House Bill 35, or similar legislation that would require certain businesses to accept cash payments for certain transactions, and further urges the United States Congress to adopt similar legislation.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, the members of the Florida Congressional Delegation, the Governor, the Senate President, the House Speaker, Senator Shevrin “Shev” Jones, Representative Dr. Joel Rudman, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County’s state and federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2024 State Legislative Package and 2023 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:

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 November, 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.

RC

Ryan Carlin