

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to study electronic signatures and authentication methods, make recommendations to this Board as to how to best implement the use of electronic signatures in a more consistent and comprehensive way, provide a report to this Board, and implement the use of electronic signatures under certain circumstances; and directing the County Mayor to include funding for implementation in the County Mayor's proposed Fiscal Year 2021-22 County budget

Resolution No. R-186-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

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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)(11)
3-2-21

RESOLUTION NO. R-186-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO STUDY ELECTRONIC SIGNATURES AND AUTHENTICATION METHODS, MAKE RECOMMENDATIONS TO THIS BOARD AS TO HOW TO BEST IMPLEMENT THE USE OF ELECTRONIC SIGNATURES IN A MORE CONSISTENT AND COMPREHENSIVE WAY, PROVIDE A REPORT TO THIS BOARD, AND IMPLEMENT THE USE OF ELECTRONIC SIGNATURES UNDER CERTAIN CIRCUMSTANCES; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE FUNDING FOR IMPLEMENTATION IN THE COUNTY MAYOR'S PROPOSED FISCAL YEAR 2021-22 COUNTY BUDGET

WHEREAS, the use of electronic signatures, or e-signatures, can create more efficiency and speed in County business, and can be a significant benefit for members of the public who interact and do business with Miami-Dade County; and

WHEREAS, in addition, because of COVID-19, conducting County business safely and remotely through electronic means can provide additional benefits for members of the public; and

WHEREAS, an "electronic signature" is defined in the federal ESIGN Act as "an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record;" and

WHEREAS, the use of electronic signatures is generally permitted by federal and state law; and

WHEREAS, the federal ESIGN Act, for example, provides that a contract "may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation;" and

WHEREAS, section 668.50, Florida Statutes, also relates to the use of electronic signatures, and provides that an “electronic record or electronic signature is attributable to a person if the record or signature was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable,” and sections 117.201 - 117.305, Florida Statutes, provide for e-notarization; and

WHEREAS, section 2-8.1(j) of the Code of Miami-Dade County defines electronic signature as “a manual or electronic identifier or the electronic result of an authentication technique attached to, or logically associated with, a record that is intended by the person using it to have the same full force and effect as manual signature,” and provides that an “electronic signature may be used to sign any contract, writing, bid, proposal, vendor registration document, affidavit, or similar submission for the purposes of procurement and contracting with the County and shall have the same force and effect as a written signature;” and

WHEREAS, although there may be certain exceptions, the use of electronic signatures is generally permissible for the majority of County business, provided that appropriate authentication is utilized; and

WHEREAS, although some County divisions already have a standard practice of accepting some form of electronic signatures, others may still be requiring conventionally written signatures, also known as wet signatures, or may not have a consistent practice; and

WHEREAS, if the County implements the use of electronic signatures in a more comprehensive and consistent manner, it could result in significant improvements in County efficiency and customer service; and

WHEREAS, there are various types of electronic signatures, and there are also various ways to authenticate an electronic signature, such as through an e-notary or through particular platforms such as Docusign; and

WHEREAS, there may be third party entities, such as those governing architects or engineers, which have their own requirements for how their members may utilize electronic signatures; and

WHEREAS, because of the wide variety of business conducted by the County, and because of various third party requirements, it is anticipated that a variety of methods or platforms for electronic signatures and authentication would be needed for the County to more comprehensively implement the use of electronic signatures; and

WHEREAS, in order to implement the use of electronic signatures by the County in a more comprehensive and consistent manner, this Board wishes to direct the County Mayor to: study the types of electronic signatures and the ways to authenticate electronic signatures; make proposals for the use of electronic signatures and authentication by the County as a whole; develop a plan to implement and promote the use of electronic signatures throughout County departments and County administration as quickly as possible; and identify whether additional funding is necessary for the implementation of said plan, and if so, propose funding sources,

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

Section 1. The Board ratifies and adopts the foregoing recitals as if they were fully set forth herein.

Section 2. This Board hereby directs the County Mayor or County Mayor's designee to study the types of electronic signatures and the ways to authenticate electronic signatures, and

to prepare a written report on how to best implement the use of electronic signatures by the County in a more consistent and comprehensive way. Such report shall, at a minimum, include: proposals for the use of electronic signatures and authentication for use throughout the County, which is anticipated to require a variety of technologies or platforms in order to address and accommodate different business needs and third party requirements; a plan to implement and promote the use of electronic signatures throughout County departments and County administration as quickly as possible; and information on whether additional funding is necessary for the implementation of said plan, and if so, the amount of additional funds necessary and the proposed funding sources.

Section 3. To the extent that no additional funding is needed or that sufficient legally available funds are identified within the Fiscal Year 2020-2021 budget to fund the cost of all or a portion of the implementation of electronic signatures and authentication, as contemplated by this resolution, the Board directs the County Mayor or County Mayor's designee to take all such action as quickly as possible. Information about what has been implemented shall also be included in the above-mentioned report.

Section 4. This Board hereby directs the County Mayor or County Mayor's designee to present the written report to this Board within 90 days of the effective date of this resolution and to place the completed report on an agenda of this Board pursuant to Ordinance No. 14-65.

Section 5. To the extent that there are insufficient legally available funds within the Fiscal Year 2020-2021 budget to fund the cost to commence or continue the full implementation of electronic signatures and authentication, as contemplated by this resolution, this Board directs the County Mayor or County Mayor's designee to include funding in an amount sufficient for full implementation in the County Mayor's proposed Fiscal Year 2021-2022 County budget and to commence full implementation of the use of electronic signatures, as outlined above in Section 2, in Fiscal Year 2021-22.

The Prime Sponsor of the foregoing resolution is Vice Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

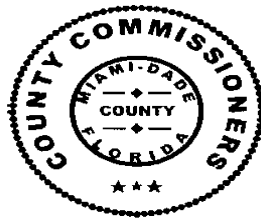
The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

Melissa Adames

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell