

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to enact legislation designed to prohibit retail businesses from refusing to accept cash payments for goods or services; directing the County Mayor to examine the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments for goods or services, and requiring a report

Resolution No. R-449-21

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/smm



MEMORANDUM

(Revised)

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

DATE: May 4, 2021

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County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
5-4-21

RESOLUTION NO. _____ R-449-21

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION DESIGNED TO PROHIBIT RETAIL BUSINESSES FROM REFUSING TO ACCEPT CASH PAYMENTS FOR GOODS OR SERVICES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXAMINE THE FEASIBILITY OF PROHIBITING RETAIL BUSINESSES IN MIAMI-DADE COUNTY FROM REFUSING TO ACCEPT CASH PAYMENTS FOR GOODS OR SERVICES, AND REQUIRING A REPORT

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 federal law prohibiting stores from declining cash payments; and

WHEREAS, related Senate and House Bills, Senate Bill (“S.”) 4145 by U.S. Senator Robert Menendez (D – New Jersey) and House of Representatives Bill (“H.R.”) 2560 by U.S. Representative Donald M. Payne, Jr. (D – New Jersey), were filed for consideration during the 116th United States Congress; and

WHEREAS, if enacted, these bills would have made it unlawful for a person selling goods or services at retail to refuse to accept cash for the goods or services; and

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

WHEREAS, this Board believes that legislation similar to S. 4145 and H.R. 2560 from the 116th Congress would provide that freedom of choice in how customers wish to pay for goods or services; and

WHEREAS, consequently, this Board desires that the County Mayor or the County Mayor’s designee examine the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments,

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

Section 1. Urges the United States Congress to enact legislation that would prohibit retail businesses from refusing to accept cash payments for goods or services.

Section 2. Directs the County Mayor or County Mayor’s designee to examine the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments for goods or services.

Section 3. Directs the County Mayor or County Mayor’s designee to provide a report or recommendation regarding the directive in section 2, to this Board within 30 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.

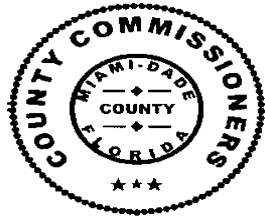
Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to United States Senator Robert Menendez, United States Representative Donald M. Payne, Jr., all cosponsors of S. 4145, H.R. 2650, and the members of the Florida Congressional Delegation.

Section 5. Directs the County’s federal lobbyists to advocate for the legislative action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 federal legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Sen. Rene Garcia** , who moved its adoption. The motion was seconded by Commissioner **Eileen 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 4th day of May, 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

By: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RC

Ryan Carlin