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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(18)

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

DATE: July 6, 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

Resolution No. R-666-23

This item was amended at the 5-8-23 Chairman's Policy Council and Intergovernmental Affairs Committee to exclude advertisements promoting Miami-Dade County-sponsored events, activities or services.

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/uw



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

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)(18)
7-6-23

RESOLUTION NO. R-666-23

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. >>This prohibition does not apply to advertisements promoting Miami-Dade County sponsored events, activities or services.<<¹

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. >>This prohibition does not apply to advertisements promoting Miami-Dade County sponsored events, activities or services.<<

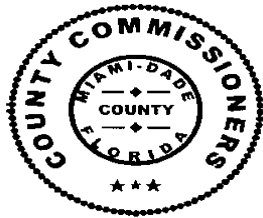
¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

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 **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

	Oliver G. Gilbert, III, Chairman	aye	
	Anthony Rodríguez, Vice Chairman	aye	
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	absent
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "B. Libhaber", is written over a horizontal line.

Bruce Libhaber