MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners

DATE: March 4, 2025

FROM: Geri Bonzon-Keenan County Attorney

SUBJECT: Resolution establishing County policy that in every instance permitted by law the County Mayor shall encourage the use of and accept electronic signatures and notarization; further establishing it as a County policy that notarization shall not be requested or required in any instance in which notarization is not legally required; and directing the County Mayor to update County forms and contracts in accordance with the aforementioned policy

Resolution No. R-249-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez.

Geri Bonzon-Keenan
County Attorney

GBK/uw

MEMORANDUM
(Revised)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	**DATE**:	March 4, 2025
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT**:	Agenda Item No. 11(A)(3)

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 ____, majority plus one ____, 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) ____, 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)(3)
3-4-25

RESOLUTION NO. R-249-25

RESOLUTION ESTABLISHING COUNTY POLICY THAT IN EVERY INSTANCE PERMITTED BY LAW THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE SHALL ENCOURAGE THE USE OF AND ACCEPT ELECTRONIC SIGNATURES AND NOTARIZATION; FURTHER ESTABLISHING IT AS A COUNTY POLICY THAT NOTARIZATION SHALL NOT BE REQUESTED OR REQUIRED IN ANY INSTANCE IN WHICH NOTARIZATION IS NOT LEGALLY REQUIRED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO UPDATE COUNTY FORMS AND CONTRACTS IN ACCORDANCE WITH THE AFOREMENTIONED POLICY

WHEREAS, Miami-Dade County has an annual budget of nearly $13,000,000.00, a significant portion of which the County uses to enter contracts for various public purposes; and

WHEREAS, for instance, as reflected in the Fiscal Year 2024-25 Budget, the Strategic Procurement Department alone currently manages over 900 active contracts valued at approximately $9,000,000,000.00 and annually awards contracts with a cumulative value exceeding $2,000,000,000.00; and

WHEREAS, this Board desires to streamline the process of contracting with the County, in order to minimize burdens on entities contracting with the County and expedite the award of contracts; and

WHEREAS, to this end, this Board desires to accommodate and encourage the use of electronic signatures for those contracting with the County; and

WHEREAS, this Board has adopted section 2-8.1(j) of the Code of Miami-Dade County (the "Code"), which provides that "[a]n 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, this provision of the Code is consistent with Florida law, which provides, in the "Uniform Electronic Transaction Act," codified in section 668.50 of the Florida Statutes, that "[a] contract may not be denied legal effect or enforceability solely because an electronic record was used in the formation of the contract" and that "[i]f a provision of law requires a signature, an electronic signature satisfies such provision"; and

WHEREAS, additionally, Florida law authorizes the use of electronic notarization through section 117.021 of the Florida statutes, which provides that "[a]ny document requiring notarization may be notarized electronically"; and

WHEREAS, just as the Board desires to encourage the use and acceptance of electronic signatures, the Board desires to encourage the use and acceptance of electronic notarization; provided, however, that the Board does not desire to request or require notarization (electronic or otherwise) in any instance in which notarization is not required by law; and

WHEREAS, the Board desires for the use and acceptance of electronic signatures and notarization to extend to all stages of procurement and contracting of any nature, including, without limitation, for goods and services, professional services, construction, and real estate,

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

Section 1. Adopts each of the foregoing recitals as true and correct and incorporates those recitals herein.

<u>Section 2.</u> Establishes it as a County policy that in every instance permitted by law and at all stages of procurement and contracting of any nature, the County Mayor or County Mayor's designee shall encourage the use of and shall accept electronic signatures and notarization; provided, however, that notarization (electronic or otherwise) shall not be requested or required in any instance in which notarization is not required by law.

<u>Section 3.</u> Directs the County Mayor or County Mayor's designee to update the County's forms and contracts in accordance with the policy established in section 2.

The Prime Sponsor of the foregoing resolution is Commissioner Roberto J. Gonzalez. It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman **aye**
Kionne L. McGhee, Vice Chairman **aye**

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of March, 2025. 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. MAG

Miguel A. Gonzalez