

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Clerk Rafael E. Granado  
City Attorney Ricardo J. Dopico

DATE: September 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO EXPEND BUDGETED FUNDS IN CONNECTION WITH CITY OF MIAMI BEACH'S NOVEMBER 5, 2024 SPECIAL ELECTION, AS PERMITTED UNDER SECTION 106.113, FLORIDA STATUTES, TO REPORT ON RELATED OFFICIAL ACTIONS IN AN ACCURATE, FAIR, AND IMPARTIAL MANNER; POST FACTUAL INFORMATION ON THE CITY'S WEBSITE OR IN PRINTED MATERIALS; HOST AND PROVIDE INFORMATION AT PUBLIC FORUMS; PROVIDE FACTUAL INFORMATION IN RESPONSE TO INQUIRIES; AND PROVIDE INFORMATION AS OTHERWISE AUTHORIZED OR REQUIRED BY LAW.

### **RECOMMENDATION**

We recommend that the Mayor and City Commission approve the attached Resolution.

### **BACKGROUND/HISTORY**

The Miami Beach City Commission adopted Resolutions scheduling a November 5, 2024 Special Election, to be held concurrently with the State General Election, to present City voters with eight referendum questions.

### **ANALYSIS**

The proposed Resolution authorizes the Administration to expend budgeted funds in connection with the City of Miami Beach's Special Election scheduled for November 5, 2024, as narrowly and expressly permitted in Section 106.113 of the Florida Statutes. This statute prohibits local governments from using public funds for political advertisements or communications that advocate for or against an issue, referendum, or amendment. However, it does not preclude local governments from (i) reporting on official actions in an accurate, fair, and impartial manner, (ii) posting factual information on a government website or in printed materials, (iii) hosting and providing information at a public forum, (iv) providing factual information in response to an inquiry; and (v) providing information as otherwise authorized or required by law.

In compliance with this statute, the Resolution allows the Administration to spend budgeted funds for several specific purposes. These include posting factual information on the City's website and in printed materials such as MB Magazine, providing information through public forums, and responding to inquiries with factual information. Additionally, the Resolution authorizes the expenditure of funds for video production, printing, graphics, translation services, layout, mailing, advertising, and other miscellaneous costs. These activities are intended to ensure transparency and provide voters with accurate, fair, and impartial information regarding the Special Election.

The Resolution affirms that these expenditures are made in furtherance of the public interest and serve the public purpose of informing the electorate and facilitating a well-informed voting

process. The Administration is authorized to allocate budgeted funds as required to support these efforts.

### **FISCAL IMPACT STATEMENT**

The Resolution authorizes expenditures budgeted amounts allocated for election-related purposes, ensuring that expenditures remain within the pre-approved budget and do not exceed available funds. The allocated funds will cover costs associated with video production, printing, graphics, translation, layout, mailing, advertising, and other necessary expenses.

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

Approving this proposed Resolution authorizes the Administration to expend budgeted funds in connection with the November 5, 2024 Special Election, as permitted under Section 106.113, Florida Statutes, to report on official actions in an accurate, fair, and impartial manner; post factual information on the City's website or in printed materials; host and provide information at public forums; provide factual information in response to inquiries; and provide information as otherwise authorized or required by law.

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Clerk

### **Sponsor(s)**

### **Co-sponsor(s)**

**Condensed Title**

Authorize Admin, Expend Budgeted Funds to Report Official Actions Related to Special Election of 11/5/24. CC/CA