

RESOLUTION NO. _____

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.

WHEREAS, the Miami Beach City Commission has adopted Resolutions scheduling a City of Miami Beach Special Election on November 5, 2024, to be held concurrently with the General Election, wherein eight (8) City of Miami Beach referendum questions will be presented to the City's voters; and

WHEREAS, Section 106.113, Florida Statutes, governs the expenditure of public funds by local governments such as the City of Miami Beach in relation to political advertisements and other communications concerning issues, referenda, or amendments subject to a vote of the electors; and

WHEREAS, in relevant part, Section 106.113(2) prohibits local governments from expending or authorizing the expenditure of public funds for political advertisements or any communication sent to electors concerning an issue, referendum, or amendment; this Statute does not however 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; and

WHEREAS, the City Commission believes that reporting on the City's official actions related to the Special Election serves the public purpose of obtaining a well-informed electorate with the reasonable expectation that such purpose will be accomplished via reporting methods consistent with Section 106.113 which may include but are not limited to fair, impartial and accurate video presentations on the City's cable channel, posting of factual information via printed materials including MB Magazine and on the City's website, providing information through public forums, responding to inquiries with factual information, and other appropriate means as authorized or required by law to ensure transparency and clarity regarding the Special Election; and

WHEREAS, in order to effect the City Commission's stated public purpose, the Administration has requested approval to spend reasonable and necessary budgeted amounts for expenses related to video production, printing, graphics, translation services, layout, mailing, advertising, and other miscellaneous costs necessary to provide such reporting.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Administration is hereby authorized, as permitted under Section 106.113, Florida Statutes, to expend budgeted funds in reasonable and necessary amounts in connection with the November 5, 2024 Special Election, to report on official actions of the City Commission 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. The City Commission affirms that such expenditures are made in furtherance of the public interest and serve a public purpose, as stated above in this Resolution. In this regard, the Administration is further authorized to allocate budgeted funds for video production, printing, graphics, translation services, layout, mailing, advertising, and other miscellaneous costs as required to support and accomplish the above-stated public purpose of informing the electorate and facilitating a well-informed voting process.

PASSED and ADOPTED this 11th day of September 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 9/2/2024
City Attorney NK Date