

C7 C 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.

Applicable Area:

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

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