

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, REQUESTING THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST TO CONSIDER, APPROVE AND RECOMMEND TO THE MIAMI DADE COUNTY COMMISSION AN AMENDMENT TO MIAMI-DADE COUNTY CODE SECTION 2-11.1.1, THE COUNTY'S ETHICAL PRACTICES CAMPAIGN ORDINANCE, REQUIRING THE DISCLOSURE OF EMAIL ADDRESSES IN CAMPAIGN MAILERS TO ENABLE PERSONS WISHING TO OPT-OUT OF RECEIVING THESE MAILERS THE REASONABLE OPPORTUNITY TO DO SO.**

**WHEREAS**, Section 2-11.1.1 of the Miami-Dade County Code sets forth the County's "Ethical Practices Campaign Ordinance", applicable to candidates and their staffs for designated County elective offices and municipal elective offices within Miami-Dade County;

**WHEREAS**, persons subject to the Ethical Campaign Practices Ordinance are to observe and uphold the basic principles of a fair election in the course of their campaign activities, including statements made by such persons in their political advertisements, as set forth within the Ordinance's list of fair campaign practices;

**WHEREAS**, pursuant to concerns expressed by City residents, the Miami Beach City Commission believes that the County's Ethical Practices Campaign Ordinance which was intended to instill citizen confidence in our electoral and political processes, is being subverted by the ubiquitous barrage of campaign mailers flooding the mailboxes of City and County residents during our local election seasons, which campaign mailers are often unwelcome and disruptive due to their sheer and seemingly unending volume;

**WHEREAS**, objecting residents who wish to opt-out of receiving these campaign mailers are effectively unable to do so because the mailers do not contain associated email addresses (the Florida Election Code requires the disclosure of street, not email, addresses of persons paying for certain political communications<sup>1</sup>);

**WHEREAS**, the Mayor and City Commission herein declare that the basis for amending the County's Ethical Practices Campaign Ordinance to require such email addresses is grounded in valid government concerns that protect the integrity of the election process by promoting truthfulness in campaign advertising, by fostering fairness and civility in election campaigns and

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<sup>1</sup> See, *inter alia*, Florida Statute Section 106.143(1)(c), political ads paid for by other than a candidate, must include name and address of persons paying for ad; Fla. Stat. 106.143(1)(d), any political advertisement made pursuant to Florida Statute Section 106.021(3)(d) must prominently state the name and address of the political committee or political party paying for the advertisement; Fla. Stat. 106.1439(1), any electioneering communication, other than a text message or a telephone call, must prominently state the name and address of persons who paid for the electioneering communication; Fla. Stat. 106.071(2), any political advertisement paid for by an independent expenditure shall prominently state the donor's name and address.

by increasing the fund of information available to the electorate<sup>2</sup>—all of which will enhance the purpose and spirit of the County’s Ordinance; and

**WHEREAS**, inasmuch as the Miami-Dade County Ethics Commission is vested with jurisdiction to review the County’s Ethical Practices Campaign Ordinance<sup>3</sup>, the Miami Beach City Commission respectfully requests that the Ethics Commission consider this proposed amendment to the County’s Ethical Practices Campaign Ordinance and approve/recommend such amendment for adoption by the Miami-Dade County Commission.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Miami-Dade County Commission on Ethics and Public Trust is respectfully requested to consider, approve and recommend to the Miami-Dade County Commission an amendment to Miami-Dade County Code Section 2-11.1.1, the County’s Ethical Practices Campaign Ordinance, to require the disclosure of email addresses in campaign mailers to enable persons wishing to opt-out of receiving these mailers the reasonable opportunity to do so.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Requested by Commissioner Alex J. Fernandez)

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**



\_\_\_\_\_  
City Attorney

3-1-22

\_\_\_\_\_  
Date

<sup>2</sup> See, *Doe v. Mortham*, 708 So.2d 929 (Fla. 1998), upholding the facial constitutionality of certain Florida laws requiring reporting and identification requirements on paid political advertisements promulgated in conjunction with formal campaigns and party apparatuses.

<sup>3</sup> Miami-Dade County Code Section 2-11.1.1 (B). See also, County Code Section 2-1072(c): “The Ethics Commission shall from time to time review County and municipal Conflict of Interest and Code of Ethics Ordinances, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances, ...”.