

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE GOVERNOR DESANTIS' PROPOSED LEGISLATION AND ANY OTHER SIMILAR LEGISLATION THAT WOULD BAN THE CONSIDERATION BY STATE AND LOCAL GOVERNMENT ENTITIES OF ENVIRONMENTAL, SOCIAL AND CORPORATE GOVERNANCE FACTORS WHEN ISSUING BONDS, PROCURING AND CONTRACTING FOR GOODS AND SERVICES, AND MAKING INVESTMENT DECISIONS.

WHEREAS, on February 13, 2023, Governor DeSantis, Senate President Passidomo, and House Speaker Renner proposed new legislation to prohibit local government from considering environmental, social, and corporate governance (“ESG”) factors (1) when issuing bonds, (2) during the procurement and contracting processes, and (3) in making investment decisions; and

WHEREAS, the Governor has already prohibited the use of ESG factors in the investment decisions of the Florida State Pension program; and

WHEREAS, the City uses the following programs or considerations in its procurement and contracting processes that would likely be prohibited under the proposed p legislation: (1) the requirement that vendors provided equal benefits for domestic partners, (2) the fair chance requirement for contractors, (3) the sustainable and resilient procurement considerations, (4) the minimum living wage requirements as listed in the City Code, (5) the small/disadvantaged business registry and tracking program, (6) the veteran business preference program, (7) the LGBTQ business registry and tracking program, and (8) the minimum local workforce participation requirement; and

WHEREAS, the above considerations and programs benefit the Miami Beach community by assisting the City in contracting with vendors whose business practices align with the City’s interests and values by, for instance, supporting businesses that provide equal benefits for domestic partners and veteran-owned businesses; and

WHEREAS, the proposed legislation would interfere with the City’s ability to govern itself according the values and interests of its constituents; and

WHEREAS, despite their benefits, the above considerations and programs are likely to be negatively affected or prohibited by the proposed legislation; and

WHEREAS, the City currently receives, and expects to receive in the future, funding from federal programs that require the City to include ESG factors in the procurement process for consultants and contractors that are to work on projects funded

by these programs, including the taking of affirmative steps to ensure the participation of minority and women-owned firms; and

WHEREAS, the City believes “the State should simply allow local communities to address this issue through the political process¹,” and urges the Florida Legislature to consider the potential negative impacts the proposed ESG Legislation would have on the ability of Florida municipalities to pursue the interests and govern according to the values of their constituents and to participate in federal programs that make funding available for infrastructure and other vital projects.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the Florida Legislature to oppose proposed legislation and any other similar legislation that would ban the consideration by state and local government entities of environmental, social and corporate governance factors when issuing bonds, procuring and contracting for goods and services, and making investment decisions.

PASSED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

(sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 2/17/2023
For City Attorney *DH* Date

¹ Governor Ron DeSantis, Letter to Sec. of State Laurel M. Lee, 10-5-2019. TS.