

RESOLUTION NO. 2020-31274

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PROHIBITING CANDIDATES FOR CITY ELECTED OFFICE (INCLUDING INCUMBENTS SEEKING REELECTION) FROM HOSTING OR CAMPAIGNING AT ANY CHARITABLE OR NOT FOR PROFIT FOOD DISTRIBUTION EVENT IN THE CITY OF MIAMI BEACH, HELD DURING THE PERIOD OF TIME BETWEEN THE LAST DAY OF THE ELECTION QUALIFYING PERIOD UNTIL THE EARLIER DATE OF WHEN THE CANDIDATE IS ELECTED, DEFEATED, OR BECOMES UNOPPOSED; AND FURTHER PROHIBITING CHARITABLE OR NOT FOR PROFIT FOOD DISTRIBUTION EVENTS FROM TAKING PLACE WITHIN 200 FEET OF ANY POLLING PLACE LOCATED WITHIN THE CITY DURING THE VOTING PERIOD FOR ANY ELECTIONS, INCLUDING EARLY VOTING PERIOD, BEGINNING WHEN THE POLLS OPEN FOR VOTING AND ENDING WHEN THE POLLS CLOSE OR THE LAST VOTER HAS VOTED, WHICHEVER IS LATER.

WHEREAS, in our community, thousands of neighbors struggle with food insecurity every day; and

WHEREAS, local charitable and/or non-profit organizations (including, without limitation, Farm Share, Inc.) work daily to make sure that food-insecure Floridians receive the food and support they need; and

WHEREAS, to accomplish this task, such organizations often partner with food pantries, churches, schools, and other nonprofits throughout Florida to distribute food every single day; and

WHEREAS, Florida politicians often collaborate with local charitable and/or non-profit organizations to host and/or help distribute food to residents;

WHEREAS, due to some instances of Florida elected officials attempting to take advantage of such food distribution events for political gain, organizations such as Farm Share, Inc. enacted policies prohibiting individuals seeking to be elected or re-elected to a public office from hosting or campaigning at Farm Share Food Distribution events during the voting period (See Farm Share's policy, attached as Exhibit "A"); and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the City to adopt a similar policy to ensure that charitable and/or non-profit food distribution events are free from political interference; and

WHEREAS, as such, the Mayor and City Commission prohibit candidates for City elected office (including incumbent seeking reelection) from hosting food distribution events during the period of time between the last day of the election qualifying period until the earlier date of when the candidate is elected, defeated or becomes unopposed (unless the event is in response to an immediate, "Act of God" emergency, i.e. hurricane, tornado, flood, or any other natural disasters); and

WHEREAS, in addition, no campaigning activities shall take place at any event, including the wearing of T-shirts related to the campaign, handing out campaign literature or cards, or otherwise disseminating campaign related information to any attendee or participant of these

events; and


WHEREAS, nothing contained within this Resolution shall prohibit a current City elected official from attending, volunteering, or participating at any food distribution event during the aforesated time period; and


WHEREAS, furthermore, to ensure that elections are free from outside interference, the Mayor and City Commission further prohibit food distribution events from taking place within 200 feet of a polling place during the voting period for any elections, including early voting period, beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

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 prohibit candidates for City elected office (including incumbents seeking reelection) from hosting or campaigning at any charitable or not for profit food distribution event in the City of Miami Beach, held during the period of time between the last day of the election qualifying period until the earlier date of when the candidate is elected, defeated, or becomes unopposed; and further prohibit charitable or not for profit food distribution events from taking place within 200 feet of any polling place located within the City during the voting period for any elections, including early voting period, beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

PASSED and ADOPTED this 13 day of March, 2020.

ATTEST:


5/21/2020
Rafael E. Granado, City Clerk


Dan Gelber, Mayor

(sponsored by Mayor Dan Gelber, Commissioner Michael Gongora, and Commissioner David Richardson)



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

5/6/2020
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: May 13, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PROHIBITING CANDIDATES FOR CITY ELECTED OFFICE (INCLUDING INCUMBENTS SEEKING REELECTION) FROM HOSTING OR CAMPAIGNING AT ANY CHARITABLE OR NOT FOR PROFIT FOOD DISTRIBUTION EVENT IN THE CITY OF MIAMI BEACH, HELD DURING THE PERIOD OF TIME BETWEEN THE LAST DAY OF THE ELECTION QUALIFYING PERIOD UNTIL THE EARLIER DATE OF WHEN THE CANDIDATE IS ELECTED, DEFEATED, OR BECOMES UNOPPOSED; AND FURTHER PROHIBITING CHARITABLE OR NOT FOR PROFIT FOOD DISTRIBUTION EVENTS FROM TAKING PLACE WITHIN 200 FEET OF ANY POLLING PLACE LOCATED WITHIN THE CITY DURING THE VOTING PERIOD FOR ANY ELECTIONS, INCLUDING EARLY VOTING PERIOD, BEGINNING WHEN THE POLLS OPEN FOR VOTING AND ENDING WHEN THE POLLS CLOSE OR THE LAST VOTER HAS VOTED, WHICHEVER IS LATER.

RECOMMENDATION

Pursuant to the request of Mayor Dan Gelber, Commissioner Michael Gongora and Commissioner David Richardson, the above-referenced Resolution is submitted for consideration by the City Commission at the May 8, 2020 Special City Commission meeting.

Applicable Area

Not Applicable

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Mayor Dan Gelber, Commissioner Michael Gongora & Commissioner David Richardson

ATTACHMENTS:

Description

- Resolution