

USE OF CITY BUILDINGS FOR POLITICAL CAMPAIGN ACTIVITIES

Prohibition on the solicitation or knowing acceptance of political contributions in City buildings

Pursuant to Florida campaign finance law, "[n]o person shall make, and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity." (Section 106.15(4) Florida Statutes.) For purposes of this Statute, "accept" means "to receive a contribution by personal hand delivery from a contributor or the contributor's agent." This prohibition applies to all City-owned buildings, including City buildings managed by private entities (e.g., the Jackie Gleason Theater, Miami Beach Convention Center, Miami Beach Botanical Garden, and the North Beach Oceanfront Center (managed by UNIDAD)).

Soliciting contributions in a building owned by a governmental entity includes correspondence such as USPS mail, e-mail, or fax that is sent to a government address. As a reminder, please remove any addresses associated with the City of Miami Beach from campaign distribution lists.

The Statute does not apply when a City building, or any portion thereof, is rented for the specific purpose of holding a campaign fundraiser. Any other political campaign activity may occur in a City building, provided that such activity is not otherwise prohibited by law.

Public access (including access by candidates) to City buildings

At its regular meeting on May 17, 2017, the City Commission adopted a motion reaffirming the City's policy that all City-owned buildings (whether managed by the City or by a private entity) that are intended to be open to the public shall also be open to candidates for office, including during public events. Therefore, City staff and private entities that manage City buildings should not prohibit candidates for office from entering those facilities and conducting campaign activities, unless any such activities are prohibited by Florida law, as described above.

However, a candidate may be excluded from a City building if the building (or a portion thereof) has been rented or leased to a third party for a private event. In such an instance, the City building (or a portion thereof) would not be "open to the public."

Additionally, candidates for office may also conduct campaign activities in privately owned facilities when such a facility is rented by the City to host an event that is open to the public.

For more information see LTC 297-2017 at:

<https://docmgmt.miamibeachfl.gov/WebLink/DocView.aspx?id=157979&dbid=0&repo=CityClerk>

USING SERVICES OF STATE, COUNTY, MUNICIPAL OR DISTRICT OFFICERS, OR EMPLOYEES

A candidate may not, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee during working hours. (See Florida Statutes 106.15(3).)