

ORDINANCE No. 2019-09

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION” SECTION 2-1 OF THE CITY’S CODE OF ORDINANCES TITLED “OFFICIAL SEAL”; DELINEATING PERMISSIBLE AND PROHIBITED USES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in accordance with Florida Statute 165.043, the City of Doral adopted by ordinance an official municipal seal to be affixed on all official actions or documents of the City and to identify and authenticate documents; and

WHEREAS, Chapter 2, section 2-1 of the City’s Code of Ordinances entitled “Official Seal” prohibits the use of the City Seal unless the use generally serves a governmental purpose; and

WHEREAS, this Ordinance seeks to provide specifically delineate permissible and prohibited uses of the seal in an effort to eliminate any ambiguities in the current ordinance.

WHEREAS, the City Council finds it to be in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Code Amended. Chapter 2, Administration, of Section 2-1 “Official Seal,” of the Code of Ordinances of the City of Doral is hereby amended as follows:

Sec. 2-1. - Official seal.

(a) *Defined.* As used herein, the official seal of the City of Doral, Florida means the following identifying symbol:



“Likelihood of Confusion” exists when a person viewing any display, rendering or material that contains the Seal could reasonably assume that it represents or is associated with the City or a City sponsored event.

“Nominal Use” is the incidental depiction of the Seal in a manner that does not try to capitalize on the Seal and where there is no indication of sponsorship or endorsement.

“Official Capacity” shall be narrowly construed and limited to the following, all of which must be in furtherance of the City functions, within the scope of delineated responsibilities and acting in official capacity of the City:

- (i) responsibilities delineated in Section 2.02 of the City Charter;

- (ii) actions taken by the City Council during Council meetings, workshops and sanctioned activities;
- (iii) official actions taken by the Mayor and Council;
- (iv) actions by individual council members in furtherance of City business or where permission has been granted by the Council;
- (iv) acts taken by council member(s) who have been appointed to serve as the official representative(s) of the city;
- (v) events specifically authorized by the City Council.
- (vii) actions taken by departments, instrumentalities and employees of the City acting in their official capacities.

(b) Execution and acknowledgment of written instruments. Whenever it shall be necessary for the city, under the authority of the city council, city manager, city Charter, this Code, or the general laws of the state, to execute contracts, deeds, or other documents on behalf of the city, the official seal of the city shall be affixed to such contract, deed or other document.

(c) City Use of Seal. The Seal may be used by the City elected Officials and City employees for:

a. Officially sanctioned events.

b. Regular business activities, including but not limited to executing and acknowledging written instruments such as contracts, deeds, or other documents on behalf of the City.

c. Officially sanctioned City events and City-sponsored events.

d. Official letterhead, stationary, mailings, emails, brochures, posters, notices, communiques and publications for use during or in connection with the City's regular business, City events, or City sponsored events or official Councilmember communications acting within the scope of their official capacities.

e. Other documents or materials that may have legal or ceremonial significance, such as proclamations, reports or documents required by the City's charter or ordinances, such as the City Budget, plaques or other honorary items presented by the Mayor or City Council.

f. In connection with displays on City Property. The City, its agencies, departments, instrumentalities, quasi-judicial and advisory bodies, when acting within the scope of their official capacities, need not obtain Council approval for authorized uses of the Logo or Seal.

(d) Prohibitions. It shall be unlawful and a violation of this section for any person, firm, corporation or other legal entity to print for the purpose of sale or distribution or circulate, manufacture, publish, use, display, or offer for sale any letters, papers, documents, or items of merchandise which simulate the official seal of the city or the stationery or a real or fictitious agency, department or instrumentality of the city without the expressed written authority of the city council or its designee. The unauthorized use shall be punishable as provided in F.S. §§ 775.082 and 775.083.

In no event shall the use of the City Seal be permitted for the following:

(a) political or campaign purposes;

(b) stationery other than official government stationery;

(c) any social media platform even if it facilitates the sharing of information, interactivity, and communication amongst individuals, groups, organizations, and the government.;

(d) business cards other than official government business cards;

(e) t-shirts, jackets or other clothing which might lead the public to believe that the person wearing such apparel is an official of the City;

(f) publications other than official government publications or publications serving a governmental purpose; or

(g) commercial advertising; and

(h) promotions not sponsored by the City

(e) No person, including any elected officer of the City, shall use the City Seal, or facsimile thereof, in any correspondence or other printed materials distributed in favor of or against any ballot measure or in favor of or against any candidate for public office.

(f) No person, including any elected officer of the City, shall use or display any printed materials where the seal is visible on any social media platform or publication other than in an official government publication or website.

(g) Exceptions. The provisions of this section shall not be applicable to the city or its agencies, departments, instrumentalities, quasi-judicial and advisory bodies, acting within the scope of their official capacities. Furthermore, the provisions of this section shall not be applicable to instances where the incidental display of the Seal constitutes Nominal Use and there is no Likelihood of Confusion that the use

of the Seal can be reasonably calculated to convey a false impression of the City's approval or sponsorship.

(h) Pins, Insignia and Other Articles. which display the graphical City Seal may be worn by City officials and staff for any governmental purpose, used in ceremonial occasions or for other civic purposes but not for sale or commercial purposes. Pins and Other Articles. which display the graphical City Seal may be given by the Mayor to persons to recognize, celebrate and honor achievements.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they

shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately. The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	No

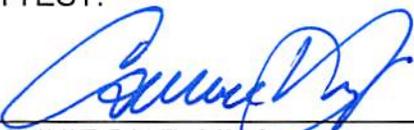
PASSED AND ADOPTED on FIRST READING this 13 day of March, 2019.

PASSED AND ADOPTED on SECOND READING this 8 day of May, 2019.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY