

RESOLUTION NO. 2023-R-40

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, STRONGLY RECOMMENDING THAT THE CITY MANAGER ESTABLISH POLICIES THAT PROHIBIT CITY EMPLOYEES FROM DOWNLOADING OR USING TIKTOK ON ANY CITY-ISSUED DEVICES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, certain social media platforms, such as TikTok, are owned by firms located in the People's Republic of China ("PRC"); and

WHEREAS, TikTok automatically captures the personal information of its users, such as their location data and their search histories, and also allows its Chinese-based employees to have access to this data; and

WHEREAS, the PRC government is making efforts to expand control into other countries through its digital platforms and has encouraged firms located in the PRC that own such digital platforms to do national security audits of any data that is gathered; and

WHEREAS, access by the Chinese Communist Party to Americans' personal information and data can pose security risks at the national, state, and local levels; and

WHEREAS, the Federal Bureau of Investigation has said that the video-sharing app TikTok, poses national security concerns because it is owned by the company, ByteDance, which is headquartered in the PRC and the PRC government likely uses the app to influence users, spread misinformation, or control users' devices; and

WHEREAS, on December 29, 2022, President Joseph R. Biden, Jr. signed H.R. 217, the "Consolidated Appropriations Act, 2023" ("CAA") into law; and

WHEREAS, the CAA is an omnibus spending bill that includes the provisions of S. 1134 requiring the removal of TikTok from all devices issued by the federal government and used by executive agencies; and

WHEREAS, similarly, about one-third of U.S. States, including those from Alabama, Georgia, Oklahoma, North Dakota, Texas, Nebraska, South Carolina, Iowa, Maryland, Montana,

Virginia, New Hampshire, Idaho, and South Dakota, have banned TikTok use on government devices; and

WHEREAS, the Mayor and City Council believe that a prohibition on downloading or using TikTok on City devices would help protect the personal information and data of City employees and would maintain the cybersecurity of the City of North Miami's government, as is necessary to serve the City residents.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recommendation. The Mayor and City Council of the City of North Miami strongly recommends that the City Manager establish policies that prohibit City employees from downloading or using TikTok on city-issued devices.

Section 2. Effective Date. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 14th day of March, 2023.



ALIX DESULME, Ed.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: MAYOR ALIX DESULME

CO-SPONSORED BY: VICE-MAYOR MARY ESTIMÉ-IRVIN

Moved by: Charles

Seconded by: Desulme

Vote:

Mayor Alix Desulme, Ed.D.

X (Yes) _____ (No)

Vice-Mayor Mary Estimé-Irvin

X (Yes) _____ (No)

Councilman Scott Galvin

X (Yes) _____ (No)

Councilwoman Kassandra Timothe, MPA

X (Yes) _____ (No)

Councilman Pierre Frantz Charles

X (Yes) _____ (No)