

**DECLARATION AND FIRST AMENDMENT WAIVER  
FOR CANDIDATES WHO AGREE TO COMPLY WITH  
THE VOLUNTARY FAIR CAMPAIGN PRACTICES**

Section 2-11.1(D)(2), of the Code of Miami-Dade County, Florida, provides that any candidate for public office in Miami-Dade County may at any time **voluntarily** declare that he or she agrees to abide by the Statement of Fair Campaign Practices and that he or she recognizes as compulsory the jurisdiction of the Miami-Dade County Commission on Ethics and Public Trust (“Ethics Commission”) (a) to decide whether said candidate has violated the Statement of Fair Campaign Practices and, if so, (b) to impose the appropriate penalty, if any.

**BEFORE AGREEING TO ABIDE BY THE VOLUNTARY FAIR CAMPAIGN PRACTICES YOU SHOULD CAREFULLY READ THE VOLUNTARY STATEMENT OF FAIR CAMPAIGN PRACTICES WHICH IS INCLUDED IN THIS DECLARATION AND FIRST AMENDMENT WAIVER FOR CANDIDATES WHO AGREE TO COMPLY WITH THE VOLUNTARY FAIR CAMPAIGN PRACTICES (HEREINAFTER “DECLARATION AND FIRST AMENDMENT WAIVER”), AS WELL AS THE FOLLOWING INFORMATION REGARDING YOUR RIGHTS. THE STATEMENT OF FAIR CAMPAIGN PRACTICES IS VOLUNTARY. YOU ARE UNDER NO OBLIGATION TO AGREE TO THE VOLUNTARY STATEMENT OF FAIR CAMPAIGN PRACTICES. IF YOU DECIDE NOT TO AGREE TO THE STATEMENT OF FAIR CAMPAIGN PRACTICES YOU MAY STILL RUN FOR ELECTIVE OFFICE IN MIAMI-DADE COUNTY IF YOU ARE QUALIFIED. THERE IS NO PENALTY IF YOU DECIDE NOT TO SIGN THE STATEMENT OF FAIR CAMPAIGN PRACTICES.**

**IF YOU DECIDE TO AGREE TO THE VOLUNTARY STATEMENT OF FAIR CAMPAIGN PRACTICES, YOU SHOULD KNOW THAT YOU WILL BE WAIVING YOUR FIRST AMENDMENT RIGHTS TO FREE SPEECH IN THAT CERTAIN SPEECH PROHIBITED BY THE VOLUNTARY STATEMENT OF CAMPAIGN PRACTICES IS PROTECTED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 4 OF THE FLORIDA CONSTITUTION. PRIOR TO AGREEING TO COMPLY WITH THE VOLUNTARY STATEMENT OF FAIR CAMPAIGN PRACTICES YOU SHOULD CONSIDER**

**CONSULTING AN ATTORNEY TO ENSURE THAT YOU UNDERSTAND THE CONSEQUENCES OF SIGNING THE DECLARATION AND FIRST AMENDMENT WAIVER TO ABIDE BY THE STATEMENT OF FAIR CAMPAIGN PRACTICES.**

**BEFORE SIGNING THIS DECLARATION AND FIRST AMENDMENT WAIVER, YOU HAVE THE RIGHT TO REQUEST AND RECEIVE FROM THE ETHICS COMMISSION AN ADVISORY OPINION AS TO WHETHER YOUR PLANNED CAMPAIGN ACTIVITIES (E.G., CAMPAIGN ADVERTISEMENT OR STATEMENT) ARE LIKELY TO VIOLATE THE STATEMENT OF FAIR CAMPAIGN PRACTICES. IN THE EVENT THAT YOU SIGN THE DECLARATION AND FIRST AMENDMENT WAIVER, YOU WILL CONTINUE TO HAVE THE RIGHT TO REQUEST AND RECEIVE FROM THE ETHICS COMMISSION AN ADVISORY OPINION REGARDING ANY FUTURE CAMPAIGN ACTIVITIES WHICH YOU MAY BE CONSIDERING.**

**A DETERMINATION BY A CANDIDATE NOT TO EXECUTE THE DECLARATION AND FIRST AMENDMENT WAIVER SHALL NOT BE CONSTRUED BY MIAMI-DADE COUNTY OR THE ETHICS COMMISSION TO MEAN THAT THE CANDIDATE IS UNETHICAL IN ANY WAY. FURTHER, A DETERMINATION BY A CANDIDATE NOT TO EXECUTE THE DECLARATION AND FIRST AMENDMENT WAIVER SHOULD NOT BE CONSTRUED BY ANY CANDIDATE OR ANY OTHER PERSON OR ENTITY TO MEAN THAT THE CANDIDATE IS UNETHICAL IN ANY WAY.**

The Statement of Fair Campaign Practices states as follows:

**VOLUNTARY STATEMENT OF FAIR CAMPAIGN PRACTICES**

As a candidate for public office in Miami-Dade County, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social and economic problems.

Therefore:

1. I shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign
2. I shall not make my opponents' race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.

3. I will condemn any appeal to prejudice based on race, creed, national origin, religion, gender physical disability or sexual orientation.
4. I shall not without just cause attack or question my opponent's patriotism.
5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement.
6. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.
7. I shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.
8. I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's credibility.
10. I will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.
11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

**IN THE EVENT YOU DECIDE TO AGREE TO THE VOLUNTARY STATEMENT OF CAMPAIGN PRACTICES, THE COMPULSORY JURISDICTION OF THE ETHICS COMMISSION AND WAIVE YOUR FIRST AMENDMENT RIGHTS, YOU ARE REQUIRED TO SIGN THE FOLLOWING DECLARATION AND FIRST AMENDMENT WAIVER:**

I, \_\_\_\_\_, a candidate for the office of \_\_\_\_\_, agree to abide by the Voluntary Fair Campaign Practices as provided in section 2-11.1.1(D)(1), of the Code of Miami-Dade County, Florida, and recognize as compulsory the jurisdiction of the Ethics Commission. I further agree that the Ethics Commission will have the authority to decide whether I have violated the Statement of Fair Campaign Practices and, if a violation is found, the Ethics Commission has the authority to impose the appropriate penalty, if any, which may include an admonition or public reprimand. I recognize that I have the right before signing this Declaration and Waiver of First Amendment Rights to consult my own legal counsel and to request and receive from the Ethics Commission an advisory opinion as to whether my planned campaign activities are likely to violate the

statement of fair campaign practices. I also recognize that after signing this agreement, I will continue to have the right to request and receive from the Ethics Commission an advisory opinion regarding any future campaign activities which I may be considering. I hereby proclaim: (1) that my agreement to abide by the voluntary fair campaign practices is voluntary, knowing, and intelligent; (2) that I have not been forced, pressured, or otherwise coerced into making this agreement; and (3) that I am aware of its voluntary nature. I recognize that there is no penalty for refusing to agree to abide by the voluntary fair campaign practices. I also recognize that in signing this agreement, I will be forfeiting rights to which I would otherwise be entitled under the First Amendment to the United States Constitution and Article I, section 4 of the Constitution of the State of Florida.

Once the Declaration and Waiver of First Amendment Rights is signed it is deemed irrevocable for the duration of the campaign.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**PLEASE FILE A COPY OF THIS FORM WITH THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST AND THE MIAMI-DADE SUPERVISOR OF ELECTIONS.**

Miami-Dade Commission on Ethics  
and Public Trust,  
19 West Flagler Street, Suite 820  
Miami, Florida 33130

Miami-Dade Supervisor of Elections  
2700 N.W. 87<sup>th</sup> Avenue  
Doral, Florida 33172

New P.O. Box #: P.O. Box 521550 Miami, Florida 33172
--

For further information contact Miami-Dade Elections Department, Public Services at 305-499-8400
--