

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, City Attorney



DATE: March 9, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT BETWEEN THE PARTIES IN THE ACTION STYLED CHRISTIAN CONTI V. CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS, AS MAY BE REQUIRED, IN ORDER TO EFFECTUATE THE TERMS OF THE SETTLEMENT, AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE ANY AND ALL NECESSARY AND APPROPRIATE STEPS FOR THE IMPLEMENTATION THEREOF.

At the beginning of the March 9, 2022 City Commission meeting, the City Attorney announced that there would be a closed attorney-client session, in connection with the lawsuit styled *Christian Conti v. City of Miami Beach, Florida*, Case No. 2020-024684-CA-01, which is presently pending in the 11th Judicial Circuit Court, in and for Miami-Dade County, Florida (the "Litigation").

Pursuant to Court Order, the parties engaged in mediation and have entered into a tentative settlement, subject to approval by the Mayor and the City Commission, and by the Court.

For purposes of settling the Litigation, the parties propose a settlement class of all persons who paid fines to the City of Miami Beach in excess of the statutory amounts for violation of its short term rental laws, pursuant to City Code Sections 142-905(b)(5) and 142-1111 (the "Short Term Rental Ordinances"), from March 19, 2016 through October 24, 2020. Specifically, the class includes persons who paid fines in excess of the statutory amounts of \$1,000 for a first violation, and in excess of \$5,000 for a second or subsequent violation (the "Settlement Class").

The terms of the proposed settlement will be discussed at the March 9, 2022 closed attorney-client session. The claims to be resolved, and parties to be released, in this settlement are all claims that members of the Settlement Class have, or could have, brought in the Litigation and/or those claims arising out of the payment of fines for violation of the Short Term Rental Ordinances prior to October 24, 2020.

In order to finalize the closed attorney-client session discussion and ratify the negotiated settlement agreement from the March 9, 2022 attorney-client session, this Resolution will be

heard following the closed attorney-client session, with the settlement terms publicly announced as part of the discussion of this Resolution.

If the proposed settlement is approved by the Mayor and City Commission, pursuant to the Florida Rules of Civil Procedure governing class action lawsuits, the settlement must be submitted for preliminary approval by the Circuit Court, followed by the Court's subsequent final approval of the settlement and dismissal of the action.