ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE VII, ENTITLED "STANDARDS OF CONDUCT," BY AMENDING DIVISION 2, ENTITLED "OFFICERS, EMPLOYEES AND AGENCY MEMBERS," BY AMENDING SECTION 2-450 THEREOF, ENTITLED "DISCLOSURE OF INTEREST/RELATIONSHIP WITH BUSINESS ENTITY," TO EXPAND THE DISCLOSURE REQUIREMENTS APPLICABLE TO CITY ELECTED OFFICIALS AND CITY EMPLOYEES WITH RESPECT TO ANY BUSINESS RELATIONSHIPS WITH PERSONS OR ENTITIES DOING BUSINESS WITH THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 2-450 of Division 2, of Article VII, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

* * *

ARTICLE VII. STANDARDS OF CONDUCT

* * *

DIVISION 2. OFFICERS, EMPLOYEES AND AGENCY MEMBERS

* * *

Sec. 2-450. Disclosure of interest in/relationship with business entity.

(a) (1) If a City Person or their immediate family member~~public officer or employee of the city directly or indirectly (via participation in any type of business entity)~~ has or holds any employment, ~~or~~ contractual, ~~or~~ other business relationship with any ~~other~~ person or business entity which the ~~officer or employee~~ City Person knows, or with the exercise of reasonable care should know, is doing business with the city, including, without limitation, any vendor, lobbyist on a procurement issue, real estate developer, lobbyist on a real estate development issue, lessee or concessionaire of the city, and which relationship is otherwise permissible under state and county ethics law, ~~he/she~~ the City Person shall file a sworn statement with the city clerk disclosing, (consistent with relevant privilege exemptions) the specific nature of the employment ~~and interest in~~, contractual, or other business relationship with such person or business entity, as well as commencement date of the subject ~~employment or contractual~~ relationship and (if applicable) term of such

relationship utilizing a form to be made available by the city clerk. The city clerk shall publish logs on a quarterly basis reflecting the disclosure forms referenced herein.

(2) If a ~~member of the city commission~~ City Person or their immediate family member establishes an employment, contractual or other business relationship with any person or business entity within 12 months after a city commission vote (in the case of members of the city commission) or staff or administrative action (in the case of city employees), which vote or staff or administrative action the ~~city commission member~~ City Person knows directly benefits ~~that~~ the subject person or business entity, ~~the subject member of the city commission~~ such City Person shall disclose any such business relationship in writing to the city clerk within 15 days after the business relationship is established.

(b) Definitions.

(1) *Affiliate* shall have the meaning set forth in Section 2-398 of the Miami Beach City Code.

(2) *Aggregate compensation* means the sum of all compensation from all direct or indirect business relationships between a City Person and the subject person/business entity and any affiliate thereof.

(3) *Business entity* means any corporation (including any not-for-profit corporation), partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not.

(4) *Business relationship,* for purposes of this ~~sub~~section~~(a)(2) above~~, shall mean that a ~~member of the city commission~~ City Person or their immediate family member has an employment or contractual relationship with a subject person, business entity or any affiliate thereof, whether directly or indirectly wherein:

(A) ~~(1)~~ The subject person/business entity or any affiliate thereof is the employer, ~~a~~ customer, or client of, or has any formal or informal contractual relationship with,

(i) ~~(2) The member of the city commission (or of his/her employer)~~ the City Person or their immediate family member, or

(ii) another person or business entity in which the City Person or their immediate family member has a significant interest

resulting in aggregate compensation, gifts or donations, in cash or in kind, of ~~and transacts more than~~ $10,000.00 or more to any persons or entities identified in subsection (b)(4)(A)(i) and (ii), collectively, ~~of the business of the member of the city commission (or of his/her employer)~~ in the 12-month period immediately prior to or after

(x) ~~the subject~~ a vote that directly benefits the subject person/business entity or any affiliate thereof (in the case of a member of the city commission) or

(y) a staff or administrative action that directly benefits the subject person/business entity or any affiliate thereof (in the case of a city employee); or

(B) ~~(2)~~ The ~~member of the city commission (or his/her employer)~~ City Person or their immediate family member, or a person or business entity in which the City Person or their immediate family member has a significant interest, directly or indirectly is a customer or client of, or has any formal or informal contractual relationship with, the subject person/business entity or any affiliate thereof, ~~and transacts~~ resulting in aggregate compensation, gifts or donations, in cash or in kind, of ~~more than~~ $10,000.00 or more ~~of the business of~~ to the subject person/business entity and/or any affiliate thereof, collectively, in the 12-month period immediately prior to or after

(x) ~~the subject~~ a vote that directly benefits the subject person/business entity or any affiliate thereof (in the case of a member of the city commission) or

(y) a staff or administrative action that directly benefits the subject person/business entity or any affiliate thereof (in the case of a city employee).

(C) ~~(3)~~ The $10,000.00 threshold referenced hereinabove shall be adjusted annually every October 1st commencing on October 1, 2023 to reflect increases in the Consumer Price Index relative to the Consumer Price Index in effect on October 1, 2022.

(5) *City Person* means a member of the city commission or a city employee.

(6) *Consumer Price Index* means the Consumer Price Index for All Urban Consumers for the United States, all items, index base period 1982-84=100 (commonly referred to as CPI-U), as published periodically by the United States Bureau of Labor Statistics.

(7) *Immediate family member* has the meaning ascribed to the term "immediate family" in Section 2-11.1 of the Miami-Dade County Code of Ordinances, as such term may be amended from time to time, and shall include the spouse, domestic partner, parents, stepparents, children and stepchildren of a City Person.

(8) ~~*Contractual relationship* shall exclude situations in which a person's shareholder interest in a publicly traded company)is less than five percent~~. *Significant interest* shall be deemed to exist when a City Person is, directly or indirectly, a proprietor, partner, director, officer, manager or trustee of a corporation (including any not-for-profit corporation), firm, partnership, or other business entity, or otherwise directly or indirectly owns or controls an interest of 10% or more in such entity.

(9) The terms "*vendor*", "*lobbyist on a procurement issue*", "*real estate developer*" or "*lobbyist on a real estate development issue*," shall have the meaning ascribed to such terms in chapter 2, article VII, division 5 of the Miami Beach City Code.

(c) Regardless of the requirements of subsection (a) hereinabove, the validity of any action or determination of the city commission or city personnel, board or committee shall not be affected by the failure of any person to comply with said disclosure provisions.

(d) Nothing in this section shall be construed as superseding, modifying or limiting in any manner the applicability of any City, county or state ethics laws, ordinances, or related standards of conduct, including, without limitation, any applicable ethics laws or standards of conduct relating to voting conflicts, acceptance of gifts, or conflicting employment or contractual relationships.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect 10 days after enactment.

PASSED AND ADOPTED this _____ day of _____, 2022.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____ 9-1-22
City Attorney PAR Date

Underlined denotes new additions
~~Strikethrough~~ denotes deletions