

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 III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 2-22 THEREOF, ENTITLED "GENERAL REQUIREMENTS," BY CREATING SUBSECTION 2-22(23) TO PROVIDE THAT AS A CONDITION OF SUBMITTING AN APPLICATION FOR APPOINTMENT TO A CITY AGENCY, BOARD, OR COMMITTEE, AN APPLICANT MUST VOLUNTARILY AGREE THAT IN THE EVENT THE APPLICANT FILES WITH THE CITY CLERK A STATEMENT OF CANDIDATE, FORMALLY ANNOUNCING CANDIDACY FOR CITY ELECTIVE OFFICE, SUCH FILING SHALL BE DEEMED A TENDER OF RESIGNATION FROM SUCH CITY AGENCY, BOARD OR COMMITTEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, various jurisdictions including Miami-Dade County and the City of Miami prohibit members of agencies, boards, and committees from becoming candidates for elective office during their terms, and provide that a candidacy for elective office is deemed a tender of resignation from such agency, board, or committee; and

WHEREAS, this Ordinance amends Section 2-22 of the City Code by providing that as a condition of applying for appointment to a City agency, board, or committee, each applicant must voluntarily agree that in the event the applicant files with the City Clerk a Statement of Candidate, formally announcing candidacy for City elective office, such filing shall be deemed a tender of resignation from such City agency, board or committee.

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

SECTION 1. Section 2-22 of Article III, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

DIVISION 1. GENERALLY

* * *

Sec. 2-22. General requirements.

Except as otherwise specifically provided:

* * *

(23) Commencing with terms beginning on or after January 1, 2024, and as a condition of applying for appointment to a City agency, board, or committee, each applicant must voluntarily agree, in writing, that in the event the applicant files with the City Clerk a Statement of Candidate formally announcing candidacy for City elective office, such filing with the City Clerk shall be deemed a tender of resignation from the City agency, board or committee, and the member's automatic resignation shall thereby immediately create a vacancy in the agency, board, or committee.

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SECTION 2. REPEALER

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

SECTION 3. SEVERABILITY

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect on January 1, 2024.

PASSED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Richardson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

7-14-23

Date