


# MIAMI BEACH

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

**TO:** Mayor Dan Gelber and Members of the City Commission

**FROM:** Alina T. Hudak, City Manager 

**MEETING DATE:** December 13, 2023

**SUBJECT: BUSINESS IMPACT ESTIMATE FOR PROPOSED ORDINANCE ENTITLED:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PERSONNEL," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 78-3 THEREOF, TO AUTHORIZE QUALIFYING CITY EMPLOYEES TO MAKE DONATIONS OF ANNUAL AND SICK LEAVE FOR HUMANITARIAN DISASTER RELIEF, AS MAY BE APPROVED BY THE CITY COMMISSION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes.

**Is a Business Impact Estimate Required?**

**Yes**    **No** *(If no, please check one of the boxes below)*

If one or more boxes are checked below, this means the City of Miami Beach has determined that a Business Impact Estimate for the above-referenced Ordinance is not required by State law.

- The proposed Ordinance is required for compliance with Federal or State law or regulation;
- The proposed Ordinance relates to the issuance or refinancing of debt;
- The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the City;
- The proposed Ordinance is an emergency ordinance;
- The Ordinance relates to procurement; or
- The proposed Ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If none of the above exceptions apply, this Business Impact Estimate is hereby provided in accordance with Section 166.041(4), Florida Statutes.

1. A summary of the proposed Ordinance and its purpose is more fully set forth in the Commission Memorandum accompanying the Ordinance, as well as in the recitals to the Ordinance itself, which are attached hereto.

2. The City of Miami Beach estimates that the proposed Ordinance will have no direct economic impact on private, for-profit businesses in the City of Miami Beach, that the proposed Ordinance will have no direct compliance costs that businesses may reasonably incur; that the proposed Ordinance will not impose any new charge or fee for which businesses will be financially responsible, and that the proposed Ordinance will not impact the City of Miami Beach's regulatory costs and will not generate any revenue from new charges or fees.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance:

The City of Miami Beach estimates that no businesses are likely to be impacted by the proposed Ordinance.

4. Additional comments: None

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## COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission

**FROM:** Rafael A. Paz, City Attorney 

**DATE:** October 18, 2023

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PERSONNEL," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 78-3 THEREOF, TO AUTHORIZE QUALIFYING CITY EMPLOYEES TO MAKE DONATIONS OF ANNUAL AND SICK LEAVE FOR HUMANITARIAN DISASTER RELIEF, AS MAY BE APPROVED BY THE CITY COMMISSION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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The proposed Ordinance (the "Ordinance"), which is sponsored by Commissioner Alex Fernandez, is submitted for first reading at the October 18, City Commission meeting.

In 2005, the Mayor and City Commission enacted Ordinance No. 2005-3471, to allow qualifying City employees to donate annual or sick leave to the surviving dependent beneficiaries of a City employee who dies during the term of employment, to thereby convert annual and sick leave into cash for the benefit of family members of deceased employees.

On April 16, 2023, the Mayor and City Commission adopted Ordinance No. 2023-4485, creating Section 78-3 of the City Code, to authorize employees having at least 260 combined hours of annual and sick leave after any donation, to donate annual and sick leave for specified humanitarian disaster relief, as may be approved by the City Commission by Resolution.

The Ordinance had the sunset date of August 1, 2023, after which it was automatically repealed.

The Mayor and City Commission desire to re-establish the provisions of Section 78-3 through August 1, 2024, to authorize City employees to donate annual and sick leave for humanitarian relief, particularly following the recent conflict in Israel. Specifically, the Sponsor's intent would be to propose a Resolution to accompany second reading of this Ordinance, to identify a non-profit group to receive donations in support of persons displaced and/or adversely impacted by the tragic events in Israel.

If approved on first reading, the second reading/public hearing of the proposed Ordinance would take place on October 25, 2023.

RAP/FA/ag

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PERSONNEL," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 78-3 THEREOF, TO AUTHORIZE QUALIFYING CITY EMPLOYEES TO MAKE DONATIONS OF ANNUAL AND SICK LEAVE FOR HUMANITARIAN DISASTER RELIEF, AS MAY BE APPROVED BY THE CITY COMMISSION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach prides itself on being a diverse, inclusive international community with respect for the rule of law and democratic institutions, with the Mayor and City Commission routinely supporting measures that promote human rights and dignity; and

**WHEREAS**, in 2005, the Mayor and City Commission enacted Ordinance No. 2005-3471, which allows for qualifying City employees to donate a portion of their annual or sick leave to the surviving dependent beneficiaries of a City employee who dies while in the employ of the City, to thereby convert annual and sick leave into cash for the benefit of family members of deceased employees, in the spirit of shared community and a desire to help our extended City family members in times of great need; and

**WHEREAS**, recently, an unprecedented number of people around the world have been affected by various disasters and catastrophes, both natural and manmade; and

**WHEREAS**, on April 16, 2023, the Mayor and City Commission adopted Ordinance No. 2-23-4485, creating Section 78-3 of the City Code authorizing employees having at least 260 combined hours of annual and sick leave after any donation, to donate annual and sick leave for specified humanitarian disaster relief, as may be approved by the City Commission by Resolution; and

**WHEREAS**, the Ordinance had the sunset date of August 1, 2023, after which it was automatically repealed; and

**WHEREAS**, the Mayor and City Commission desire to re-establish the provisions of Section 78-3 through August 1, 2024, to authorize City employees to donate annual and sick leave for humanitarian disaster relief for the benefit of persons displaced and/or adversely impacted by terror acts by terrorist organization Hamas, as may be subsequently approved by the City Commission by Resolution for any specific humanitarian relief effort.

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

**SECTION 1.** That Section 78-3 of the City Code shall be created as follows, and as hereinafter set forth below:

**CHAPTER 78**

**PERSONNEL**

\* \* \*

**ARTICLE I. IN GENERAL**

\* \* \*

**Sec. 78-3. Donation of annual leave and sick leave for humanitarian disaster relief.**

- (a) If approved by the city commission via resolution for any specific humanitarian relief effort, city employees may donate a portion of their annual leave and/or sick leave for specified humanitarian disaster relief.
- (b) The donating employee must maintain a balance of at least 260 combined hours of annual and sick leave.
- (c) The donated time will be computed at the donating employee's current rate of pay at the time of donation.
- (d) One check of all donations made shall be issued by the city to the appropriate disaster relief agency, entity or organization.
- (e) Donations may only be made during the period of time designated by the city commission on such authorizing resolution. No donations will be accepted after that date.
- (f) The amount of time donated by the donating employee will reduce that employee's final leave settlement.
- (g) The donating employee will be required to sign a form indicating the hours donated and that these hours will reduce such employee's final leave settlement. This signed form will be retained in the donating employee's personnel file.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 4. 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 a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on \_\_\_\_\_.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**


\_\_\_\_\_  
Rafael E. Granado  
City Clerk

\_\_\_\_\_  
Dan Gelber  
Mayor

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions  
~~Strikethrough~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *FA*      10-10-23  
Date