

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," SECTION 2-1, "REASONABLE OPPORTUNITY TO BE HEARD," TO INCREASE THE AMOUNT OF PUBLIC SPEAKING TIME ALLOTTED TO REPRESENTATIVES OF GROUPS OR FACTIONS OF FIVE OR MORE INDIVIDUALS FROM FIVE TO TEN MINUTES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 286.0114, Florida Statutes, establishes requirements for rules or policies adopted by State or local boards and commissions with regard to providing the public with a reasonable opportunity to be heard by such boards before official action is taken on a proposition; and

WHEREAS, consistent with Section 286.0114, Florida Statutes, on June 11, 2014, the City Commission adopted Ordinance No. 2014-3882, providing rules regarding public participation in City meetings; and

WHEREAS, Paragraph (A)5 of the City's Citizens' Bill of Rights provides for a right to be heard before the City Commission or any City agency, board, or department with regard to the presentation, adjustment, or determination of an issue, request, or controversy within the jurisdiction of the City; and

WHEREAS, certain matters before the City Commission or City agencies, boards, or committees attract greater numbers of citizens to speak at City meetings; and

WHEREAS, in order to allow groups of individuals to better articulate their positions on individual matters, the City Commission desires to increase the amount of public speaking time allotted for representatives of groups or factions of five or more individuals from five to ten minutes.

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

SECTION 1. Chapter 2 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

ARTICLE I. In General

Sec. 2-1. Reasonable opportunity to be heard.

* * *

- (d) An individual speaker's time to provide public comment shall be limited to three minutes; however, additional time for further public comment on any proposition may be provided by the Mayor or board Chairperson or by a majority vote of the board.

- (e) When more than five individuals wish to be heard on a proposition, the Mayor, or board Chairperson, may request that a representative of the group or faction speak on behalf of said group or faction, rather than all members of such group or faction. In such event, the representative shall be limited to ~~five~~ ten minutes to speak; however, additional time to speak may be provided by the Mayor or board Chairperson or by a majority vote of the board.
- (f) If determined reasonable by the Mayor or board chairperson, or by a majority vote of the board, an equitable amount of time may be allotted for public comment in favor of and against a proposition.

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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 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 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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 the ____ day of _____, 2017.

PASSED and **ADOPTED** this ____ day of _____, 2017.

ATTEST:

Rafael E. Granado
City Clerk

Philip Levine
Mayor

(Sponsored by Commissioner Kristen Rosen Gonzalez)

Underline denotes new language
~~Strikethrough~~ denotes removed language

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney

7/12/17
Date

NK