


MIAMI BEACH

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

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, Acting City Attorney 

DATE: February 10, 2021

SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT:

1. **DAVID CUSTIN V CITY OF MIAMI BEACH**, Case No. 2021-000156-CA-01 (Circuit Court of the 11th Judicial Circuit in and for Miami Dade County, Florida)

The Plaintiff, David Custin, sued the City of Miami Beach on January 6, 2021, and has alleged that Miami Beach City Code Sec. 2-491 – (prohibited lobbying by campaign consultants) violates those constitutionally protected rights under First Amendment. Specifically, Section 2-491 of the City Code was enacted by the City Commission in 2017 and provides: “No campaign consultant shall lobby the City Commission for a period of 12 months following the swearing in of any elected official(s) for whom the campaign consultant provided campaign consulting services within the past election cycle.” The Plaintiff has alleged in the Complaint that he is a campaign consultant and lobbyist who would like to serve as campaign consultant for City Commission candidates, and directly lobby the City Commission during the twelve-month prohibition period set forth by the Ordinance.

The City intends to appropriately defend the allegations in the lawsuit, including the pursuit of a legal course of action that will uphold the validity of the Ordinance. The Plaintiff is represented in this lawsuit by former City Commissioner, Jonah Wolfson.