


MIAMIBEACH

OFFICE OF THE CITY ATTORNEY
RAFAEL A. PAZ, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: June 28, 2023

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED, "HUMAN RELATIONS," BY AMENDING ARTICLE II, ENTITLED "DISCRIMINATION," BY AMENDING SECTION 62-35 ENTITLED "MEMBERSHIP," TO PROVIDE A PREFERENCE FOR THE ATTORNEY MEMBER OF THE HUMAN RIGHTS COMMITTEE TO BE A MEMBER OF THE FLORIDA BAR, BUT OTHERWISE ALLOW FOR AN ATTORNEY LICENSED TO PRACTICE LAW IN ANY OTHER UNITED STATES JURISDICTION TO SERVE ON THE COMMITTEE IF THE ATTORNEY HAS CIVIL RIGHTS-RELATED EXPERIENCE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance was prepared at the request of the sponsor, Commissioner Laura Dominguez. The Ordinance would amend the qualification requirement relating to the attorney member of the Miami Beach Human Rights Committee (the "Committee"), a position which I understand the City has had difficulty filling from time to time.

Currently, Section 62-35 of the City Code requires the Committee to have at least one committee member who is an attorney licensed to practice law in Florida.

As the attorney member of the Committee does not provide any legal advice to the Committee and is not engaged in the practice of law on behalf of the Committee, it is not necessary for the Committee member to be an active member of the Florida Bar. It is far more useful, however, for the member to have civil rights experience.

Accordingly, the proposed Ordinance would modify the current requirement, to provide a preference for the attorney member of the Committee to be a member of the Florida bar, but otherwise allow for a person who is a member of another State's bar to serve on the Committee, if they have comparable civil rights experience.

RAP/FA/ag