

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(24) TO PROVIDE THAT IN THE EVENT THAT AN APPOINTEE TO A CITY AGENCY, BOARD, OR COMMITTEE WHO IS ENGAGED TO PROVIDE SERVICES, FOR COMPENSATION, TO EITHER (1) A CANDIDATE FOR CITY ELECTED OFFICE, OR (2) A POLITICAL COMMITTEE OR ELECTIONEERING COMMUNICATIONS ORGANIZATION EXPENDING FUNDS FOR OR AGAINST CANDIDATES FOR CITY ELECTED OFFICE, SUCH ENGAGEMENT 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**, the State Code of Ethics and Miami-Dade County Ethics Code (collectively, the Code of Ethics) applies to advisory board members; and

**WHEREAS**, one of the important objectives of the Code of Ethics is to ensure that covered persons do not use their public office for private gain; and

**WHEREAS**, for this reason, the Code of Ethics contains a prohibition on the misuse of official position, but these matters are extremely difficult to prove, as witnesses are often reluctant to come forward to report or testify as to various potential violations of the Code of Ethics; and

**WHEREAS**, on September 13, 2023, the City Commission adopted an ordinance providing that if an appointee 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; and

**WHEREAS**, similar to the concerns raised regarding candidates for elected City office serving on City boards and committees, ethical concerns have been raised regarding persons who are engaged to provide paid services to candidates campaigning for City elected office, and whether it is in the City's best interest to structure appointments to city boards and committees to avoid any potential for misuse of official position or appearance of impropriety, i.e., with persons potentially using an appointment to an advisory board to secure paid work for themselves from candidates running for office; and

**WHEREAS**, based on the foregoing, this Ordinance amends Section 2-22 of the City Code, to require that if an appointee is engaged to provide services, for compensation, to either (1) a candidate for City elected office, or (2) a political committee or electioneering communications organization expending funds for or against candidates for City elected office, such engagement 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:

\* \* \*

(24) If an appointee is engaged to provide services, for compensation, to either (1) a candidate for City elected office, or (2) a political committee or electioneering communications organization expending funds for or against candidates for City elected office, such engagement shall be deemed a tender of resignation from such City agency, board, or committee.

\* \* \*

**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 the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

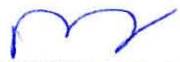
**ATTEST:**


\_\_\_\_\_  
Steven Meiner, Mayor

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

(Sponsored by Commissioner Joseph Magazine)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

 1-24-24  
Date