

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE VI, "PROCUREMENT," DIVISION 3, "CONTRACT PROCEDURES," BY CREATING SECTION 2-379, TO BE ENTITLED "PROHIBITION ON CITY CONTRACTS WITH CAMPAIGN CONSULTANTS," TO PROHIBIT THE CITY FROM CONTRACTING WITH AN INDIVIDUAL OR ENTITY WHICH HAS, WITHIN A DEFINED PERIOD OF TIME PRIOR TO THE ISSUANCE OF A COMPETITIVE SOLICITATION OR EXECUTION OF THE CONTRACT WITH THE CITY, PERFORMED SERVICES FOR COMPENSATION TO A CANDIDATE FOR CITY ELECTED OFFICE, AND PROVIDE FOR A WAIVER; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 2 of the City Code, at Article VI, entitled "Procurement," prescribes the manner in which the City purchases materials, supplies, equipment, and certain contractual services; and

WHEREAS, pursuant to Section 2-311 of the City Code, Chapter 2, Article VI, is also intended to "maintain a high ethical standard for all officers and employees of the City" in connection with the purchase of materials, supplies, equipment, and certain contractual services; and

WHEREAS, this Ordinance amends the City Code to prohibit the City from contracting with an individual or entity which has, within a defined period of time prior to the issuance of a competitive solicitation or execution of a contract with the City, performed services for compensation to a candidate for City elected office.

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

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

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE VI. PROCUREMENT

* * *

DIVISION 3. CONTRACT PROCEDURES

* * *

Secs. 2-379— 2-380-2-390. Reserved.

Section 2-379. Prohibition on city contracts with campaign consultants.

- (a) Prohibition. Beginning on January 1, 2025, the city shall not enter into a contract with an individual or entity if the individual, entity, or a principal or officer of the entity has performed services for compensation to a candidate for the office of mayor or city commissioner within 2 years prior to the earlier of the (i) issuance of a competitive solicitation or (ii) execution of a contract with the city.
- (b) Exceptions. The provisions of this section shall not apply to the following:
- a. Any individual or entity that provides goods to a candidate for office.
 - b. Any individual or entity that provides services to a candidate for office if those same services are regularly performed by the individual or entity in the ordinary course of business for clients or customers other than candidates for office. This includes, without limitation, banks, telephone or internet service providers, printing companies, event venues, restaurants, caterers, transportation providers, and office supply vendors.
 - c. Any individual or entity which performs licensed professional services (including, for example, legal or accounting services).
- (c) Waiver. The prohibition in subsection (a) may be waived by resolution of the city commission upon a five-sevenths (5/7ths) vote.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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. 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 relettered 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 the ____ day of _____, 2024.

PASSED and **ADOPTED** this ____ day of _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

(Sponsored by Vice-Mayor Tanya K. Bhatt)

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Underline denotes additions
~~Strike through~~ denotes deletions



City Attorney NK 12/9/2024
Date