

OFFICE OF THE CITY ATTORNEY
SIGNIFICANT ACCOMPLISHMENTS (2024-25)

- **Expansion of Municipal Prosecution Program:**

The City Attorney's Office (CAO) continued expanding its municipal prosecution program, successfully prosecuting City criminal ordinance offenses. The CAO now covers bond hearings seven days a week, 365 days a year. The Municipal Prosecution Team has grown to include three full-time prosecutors, two full-time legal assistants, and one attorney dedicated to weekend and holiday bond hearings. This expansion enhances the City's ability to efficiently prosecute criminal violations of municipal ordinances, ensuring greater enforcement of City laws.

- **Legislative Support and Criminal Ordinance Adoption:**

The CAO advised the Mayor and City Commission on the adoption of seven additional State law criminal offenses as municipal ordinance violations, including assault, loitering, trespassing, and harassment. This expansion strengthens public safety and ensures accountability. The Municipal Prosecution Team, in partnership with the Miami Beach Police Department, achieved an impressive prosecution success rate of approximately 92% from May 9, 2022, to December 31, 2024.

- **Contract Negotiation and Transactional Success:**

The CAO successfully negotiated and drafted over 450 contracts, covering various procurement, construction, and real estate agreements. Notable transactions include the renewal of the Miami Beach Convention Center Management Agreement, a \$92.5 million grant for the Convention Center headquarters hotel, and a \$1 million loan for affordable housing development. CAO attorneys also played a key role in successfully defending the City against multiple procurement bid protests.

- **Florida Legislative Initiatives:**

The CAO drafted legislative amendments and provided legal support for the City's legislative initiatives before the Florida Legislature, including efforts to protect and expand the City's home rule authority, address zoning and historic preservation issues, and advocate for environmental and marine concerns. Notably, legislation drafted by the CAO that will enable local governments to impose restrictions on overnight anchoring within a county's territorial waters was adopted by the Florida legislature during its 2025 session.

- **Charter Amendments:**

The CAO advised the City's Ad Hoc Charter Review and Revision Board, which resulted in the successful drafting of seven proposed Charter amendments. All were overwhelmingly approved in the November 5, 2024 election.

- **Court Rulings and Legal Victories:**

The CAO achieved several favorable rulings, including:

- A ruling from the 11th Circuit Court of Appeals affirming the City's decision not to publicly display artwork it owned (McGriff et al. v. CMB).

- A dismissal in favor of the City in a case alleging civil rights violations during police interactions with a homeless individual (Valsaint v. CMB et al.).
- A dismissal in favor of the City in an employment discrimination case (Mitchell v. CMB).
- A favorable judgment in a case involving trespassing and constitutional rights violations.
- Several favorable rulings in land-use appeals, including those related to redevelopment projects at Mango's, the Shore Club, and the Sagamore Hotel.
- **Successful Injunctions and Legal Actions:**
The CAO obtained favorable rulings in multiple emergency injunction proceedings:
 - A challenge to the City's Spring Break curfew was dismissed, supporting the City's State of Emergency declaration.
 - A group of City residents' challenge to the rescinding of a referendum question was dismissed.
 - The CAO defended the City's special pilot permitting process for high-impact parties during Art Basel on Palm, Hibiscus, and Star Islands, which will serve as a model for future citywide legislation.
- **Contractual and Financial Recoveries:**
The CAO secured a favorable arbitration award of \$814,551.69 from FEMA for COVID-19 response efforts by the Fire Department and a successful recovery in a bankruptcy case against a former employee who manipulated overtime records.
- **Key Ordinances and Legislation:**
 - The CAO conceptualized and drafted legislation to regulate street performers near outdoor dining establishments and established an ordinance to authorize speed detection systems (speeding cameras) in school zones.
 - Conceptualized and drafted an ordinance creating a special event permit program for large-scale house parties and other special events with many attendees and commercial-grade equipment.
 - Conceptualized and drafted legislation prohibiting overnight anchoring in the City-owned portion of the Purdy Basin bordering Maurice Gibb Park.
 - Drafted legislation requiring owners of houses and buildings within the City to place signage two (2) weeks prior to tenting for extermination of insects and other pests to protect pets and other animals.
 - Drafted legislation to prohibit garish flashing, strobing and/or multicolored lights on residential properties that would unreasonably disturb the quiet enjoyment of a neighboring residence by a nearby resident.

- The CAO drafted an amendment to strengthen the City's Camping Ordinance, in compliance with state law, while ensuring humane enforcement for persons experiencing homelessness.
 - Drafted legislation to prohibit unreasonable, unnecessary, or excessive noise (music or amplified sound) emanating from vessels or floating structures.
 - Drafted legislation prohibiting the issuance of fireworks permits for the display, use, or discharge of fireworks in Biscayne Bay or in any residential area in the City.
 - The CAO advised on legislation to incentivize the transition of hotels and short-term rental properties into long-term, non-transient residential developments, supporting workforce housing.
- **Special Magistrate:**

The CAO's efforts in the prosecution of a demolition by neglect case against the Deauville entities resulted in the imposition of fines in the amount of \$3,465,000 (excluding interest). Additionally, the CAO worked on Special Magistrate reforms, limiting continuances and extensions in compliance cases.