

R5 S AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ENTITLED "ADMINISTRATION," SECTION 2-1 THEREOF, ENTITLED "REASONABLE OPPORTUNITY TO BE HEARD," SECTION 2-2 THEREOF, ENTITLED "ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE" AND SECTION 2-14 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER AND CITIZENS' BILL OF RIGHTS CONCERNING INCREASED PUBLIC RIGHT TO BE HEARD VIA TWO (2) STANLEY SUTNICK CITIZENS' FORUMS AT REGULAR CITY COMMISSION MEETINGS, ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE, AND AMENDED PROCEDURE FOR DEFERRAL OF COMMISSION ITEMS AS WELL AS REQUIREMENT FOR TWO PUBLIC HEARINGS FOR CITY ORDINANCES (EXCEPT EMERGENCY ORDINANCES AND PROPOSED ORDINANCES SUBJECT TO ADOPTION PROCEDURES ESTABLISHED IN CITY'S ZONING ORDINANCE); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025 11:00 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ENTITLED "ADMINISTRATION," SECTION 2-1 THEREOF, ENTITLED "REASONABLE OPPORTUNITY TO BE HEARD," SECTION 2-2 THEREOF, ENTITLED "ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE" AND SECTION 2-14 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER AND CITIZENS' BILL OF RIGHTS CONCERNING INCREASED PUBLIC RIGHT TO BE HEARD VIA TWO (2) STANLEY SUTNICK CITIZENS' FORUMS AT REGULAR CITY COMMISSION MEETINGS, ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE, AND AMENDED PROCEDURE FOR DEFERRAL OF COMMISSION ITEMS AS WELL AS REQUIREMENT FOR TWO PUBLIC HEARINGS FOR CITY ORDINANCES (EXCEPT EMERGENCY ORDINANCES AND PROPOSED ORDINANCES SUBJECT TO ADOPTION PROCEDURES ESTABLISHED IN CITY'S ZONING ORDINANCE); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The City Attorney recommends that the Mayor and City Commission adopt this Ordinance at First Reading, and schedule a Second Reading/Public Hearing. The Ordinance, which is sponsored by Commissioner Alex J. Fernandez, implements and conforms the City Code to the City Charter amendments approved by the City's voters on November 5, 2024.

BACKGROUND/HISTORY

On November 5, 2024, the City submitted to the City's voters seven (7) proposed amendments to the City Charter and Citizens' Bill of Rights that were recommended by the 2023-24 Ad Hoc Advisory Charter Review and Revision Board. All seven (7) amendments were approved by the voters.

ANALYSIS

As a result of the City's November 5, 2024 Special Election, several related sections of the City Code require amendment in order to conform the Code to the amended Charter and Citizens' Bill of Rights, and to implement, as needed, the voter-approved language. As such, the attached Ordinance proposes required amendments to Chapter 2 of the City Code, entitled "Administration," including the following:

- Increasing the public's right to be heard by requiring two (2) Stanley Sutnick Citizens' Forums at each regular meeting of the City Commission;
- Cross-reference to Charter section re: alternative publication of legal notices online; and

- Amended procedure for deferral of Commission items, as well as requirement for two public hearings for City ordinances (except emergency ordinances and proposed ordinances subject to adoption procedures established in the City's Zoning Ordinance).

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex J. Fernandez

Co-sponsor(s)

Condensed Title

11:00 a.m. 1st Rdg PH, Charter Review Amendments: Notices/Sutnick Forums/PH's for Ord.
(Fernandez) CA

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ENTITLED "ADMINISTRATION," SECTION 2-1 THEREOF, ENTITLED "REASONABLE OPPORTUNITY TO BE HEARD," SECTION 2-2 THEREOF, ENTITLED "ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE," AND SECTION 2-14 THEREOF, ENTITLED "MEETING PROCEDURES AND AGENDAS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER AND CITIZENS' BILL OF RIGHTS CONCERNING INCREASED PUBLIC RIGHT TO BE HEARD VIA TWO (2) STANLEY SUTNICK CITIZENS' FORUMS AT REGULAR CITY COMMISSION MEETINGS, ALTERNATIVE PUBLICATION OF LEGAL NOTICES ONLINE, AND AMENDED PROCEDURE FOR DEFERRAL OF COMMISSION ITEMS AS WELL AS REQUIREMENT FOR TWO PUBLIC HEARINGS FOR CITY ORDINANCES (EXCEPT EMERGENCY ORDINANCES AND PROPOSED ORDINANCES SUBJECT TO ADOPTION PROCEDURES ESTABLISHED IN CITY'S ZONING ORDINANCE); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on November 5, 2024, the City of Miami Beach held a Special Election for the purpose of presenting to the City's electorate seven (7) proposed amendments to the City Charter and Citizens' Bill of Rights; and

WHEREAS, the City's voters approved all seven (7) measures¹; and

WHEREAS, the following amendments are thus presented for the purpose of conforming/implementing into the Code the subject voter-approved measures relating to Chapter 2 of the City Code, entitled "Administration."

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

SECTION 1. That Chapter 2 of the Miami Beach City Code, entitled "Administration," is hereby amended to reflect the following amendments to Section 2-1, "Reasonable opportunity to be heard" (creation of subsection (h) therein); Section 2-2, "Alternative publication of legal notices online"; and Section 2-14, "Meeting procedures and agendas" (amendment of subsections (d) (3) and (4) therein), such amendments reading as follows:

¹ The Certification of Official Final Election Results from the City's November 5, 2024 Special Election are located at: <https://www.miamibeachfl.gov/wp-content/uploads/2024/11/LTC-512-2024-OFFICIAL-RESULTS-OF-THE-NOVEMBER-5-2024-SPECIAL-ELECTION.pdf>

**CHAPTER 2
ADMINISTRATION**

ARTICLE I. – IN GENERAL

Sec. 2-1. - Reasonable opportunity to be heard.

* * *

- (h) Notwithstanding the above, at each regular meeting of the City Commission there shall be two Dr. Stanley Sutnick Citizens' Forums, both attended by a quorum of the City Commission, one to be held at the meeting's commencement and one to be held after 12:00 noon, at which members of the public shall have an opportunity to address the City Commission on matters relating to the City.

Sec. 2-2. - Alternative publication of legal notices online.

- (a) Notwithstanding any provision to the contrary and consistent with City Charter Section 2.05, whenever the City Code requires an advertisement or legal notice to be published in a newspaper of general circulation or other print publication, such advertisement or notice may instead be provided on a publicly accessible website hosted by Miami-Dade County, as permitted by F.S. ch. 50, provided that:
- (1) Publication on such publicly accessible website conforms with the requirements of F.S. § 50.0311; and
 - (2) Publication on such website is made within the timeframe required under the City Code or other applicable law for the respective advertisement or notice, and includes all information required under applicable law with respect to such advertisement or notice.
- (b) This section shall not apply where an advertisement or legal notice is required to be published in a newspaper of general circulation under the ~~City Charter~~, County Charter, or County Code. In addition, nothing in this section shall be deemed to supersede or supplant any additional state or federal requirements relating to the publication of particular advertisements or notices.

* * *

Sec. 2-14. - Meeting procedures and agendas.

* * *

- (d) *Agenda items.*

* * *

- (3) *Deferred items.* If an agenda item that is not set as a time certain for a public hearing is not reached during a City Commission meeting, and the City Commission does not specifically defer the item, the item shall be deemed to be deferred:

- a. To the next regularly scheduled Commission meeting if the item was on a regular Commission meeting agenda; or
- b. To the next regularly scheduled presentations and awards meeting if the item was on a presentations and awards meeting agenda.

Any agenda item that has been deferred by the sponsor and has not been heard ~~for a period of 120 days or more~~ within 3 regularly-scheduled City Commission meetings following the meeting date the item was first placed on a City Commission agenda shall be automatically withdrawn and no item based on the same proposal may be placed on another City Commission meeting agenda within the following 3 regularly-scheduled City Commission meetings unless this provision is waived by a six-sevenths (6/7ths) vote of the City Commission. For purposes of this paragraph, the term "deferred" shall not include an item postponed by the City Commission due to a lack of time. ~~No item based on the same proposal may be placed on another commission agenda for a 90-day period; however, the 90-day period may be waived by a six-sevenths vote of the city commission.~~

(4) Public hearings; time certain public hearing items.

In accordance with City Charter Section 2.05, two public hearings shall be held on proposed City ordinances except (i) emergency ordinances, and (ii) proposed ordinances which enact or amend the City's Zoning Ordinance or Comprehensive Plan of the City of Miami Beach which shall be adopted according to the procedures set forth in the City of Miami Beach's Zoning Ordinance.

If a time certain public hearing agenda item is to be reset to another commission meeting agenda, the public hearing must either be:

- a. Specifically opened and continued to another commission meeting date and time certain; or
- b. Re-advertised for another commission meeting date and time certain.

* * *

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, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

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 a part of the

Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered 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 the _____ day of _____, 2025.

PASSED and **ADOPTED** this _____ day of _____, 2025.

ATTEST:

Mayor Steven Meiner

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2/18/2025
Date

NK