

R5 T AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 38, ENTITLED "ELECTIONS," SECTION 38-4 THEREOF, ENTITLED "ACCEPTANCE OF ELECTION RETURNS; INSTALLATION OF NEW OFFICERS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER CONCERNING RUNOFF ELECTION DATE AND DATE OF INSTALLATION AND COMMENCEMENT OF TERMS; 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 11:05 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 38, ENTITLED "ELECTIONS," SECTION 38-4 THEREOF, ENTITLED "ACCEPTANCE OF ELECTION RETURNS; INSTALLATION OF NEW OFFICERS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER CONCERNING RUNOFF ELECTION DATE AND DATE OF INSTALLATION AND COMMENCEMENT OF TERMS; 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 38 of the City Code, entitled "Elections," including the following:

- Amended runoff election date (now the second Tuesday in December);
- Date of installation of new Commission members (Monday following the second Tuesday in December); and
- Commencement of terms (on the date of installation, which is the Monday following the second Tuesday in December).

### **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**

11:05 a.m. 1st Rdg PH, Voter Approved Amendments: Runoff Election/Installation Dates/Terms.  
(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 38, ENTITLED "ELECTIONS," SECTION 38-4 THEREOF, ENTITLED "ACCEPTANCE OF ELECTION RETURNS; INSTALLATION OF NEW OFFICERS," FOR THE PURPOSE OF CONFORMING/IMPLEMENTING INTO THE CODE VOTER-APPROVED AMENDMENTS TO THE CITY CHARTER CONCERNING RUNOFF ELECTION DATE AND DATE OF INSTALLATION AND COMMENCEMENT OF TERMS; 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) measures<sup>1</sup>; 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 38 of the City Code, entitled "Elections."

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

**SECTION 1.** That Chapter 38 of the Miami Beach City Code, entitled "Elections," is hereby amended to reflect the following amendments to Section 38-4, "Acceptance of election returns; installation of new officers," reading as follows:

**CHAPTER 38  
ELECTIONS<sup>2</sup>**

\* \* \*

**Sec. 38-4. - Acceptance of election returns; installation of new officers.**

Except as otherwise provided by the City Charter and subject to the provisions below, On  
the first business day immediately following the eCounty eElections sSupervisor's issuance of  
final election results returns for any from the eCity's biennial general election (or from any special

<sup>1</sup> 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>

<sup>2</sup> Charter reference— Elections, Art. VI; Initiative and Referendum Elections, Art. VII.

Cross reference— Any ordinance calling elections or prescribing the manner of conducting the election in accordance with State law saved from repeal, § 1-10(a)(16); Administration, Ch. 2; City Commission, § 2-31 et seq.; election signs, § 138-134.

State Law reference— Florida Election Code, Fla. Stat. Chs. 97—106.

election), the eCity eCommission shall meet for the purpose of accepting the returns of such election(s) and ascertaining the results thereof.

- ~~(a) Should no run-off election be necessary, new officers shall be declared elected subsequent to the city commission's acceptance of final general (or special, as the case may be) election returns results at which time the new officers shall be installed and shall enter upon the discharge of their duties, except as otherwise provided by the city Charter; if a run-off election is necessary, all new officers shall be declared elected subsequent to the city commission's acceptance of final run-off election returns results on the first business day following the county elections supervisor's issuance of such final election results, at which time the new officers shall be installed and shall enter upon the discharge of their duties, except as otherwise provided by the city Charter.~~
- (a) If a runoff election is required, the City Commission shall meet to accept the final returns from such runoff election on the Monday immediately following the date of the runoff election.<sup>3</sup>
- (b) The installation and commencement of terms of office for all new officers elected shall occur on the Monday immediately following the date of the runoff election (i.e. on the Monday after the second Tuesday in December),<sup>4</sup> at which time they shall enter upon the discharge of their duties.
- ~~(b)(c) If a run-off election is necessary, the Any City Commission meeting(s) occurring between the date of the general election and the commission's acceptance of final run-off election returns results Monday immediately following the date of the runoff election shall occur for the limited purpose of accepting the returns of such general election, and/or to address any emergency matter, pursuant to Florida law and eCity Charter Section 2.05.~~

## **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

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<sup>3</sup> City Charter Section 2.01 establishes the date of the runoff election as the second Tuesday in December immediately following the date of the City's general election.

<sup>4</sup> See footnote 3.

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