

C4 N REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE – AMEND SECTION 2.1.1.1 OF THE MIAMI BEACH RESILIENCY CODE, WHICH REQUIRES THE DISCLOSURE OF CERTAIN SETTLEMENT AGREEMENTS BETWEEN APPLICANTS AND THIRD PARTIES IN CONNECTION WITH LAND DEVELOPMENT APPLICATIONS BEFORE THE LAND USE BOARDS, TO (1) EXPAND APPLICABILITY TO ALSO INCLUDE PRIVATE APPLICATIONS BEFORE THE CITY COMMISSION, AND (2) REQUIRE, AT A MINIMUM, THE DISCLOSURE OF THE MATERIAL TERMS OF ANY SUCH SETTLEMENT AGREEMENT.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner David Suarez

DATE: February 26, 2025

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE – AMEND SECTION 2.1.1.1 OF THE MIAMI BEACH RESILIENCY CODE, WHICH REQUIRES THE DISCLOSURE OF CERTAIN SETTLEMENT AGREEMENTS BETWEEN APPLICANTS AND THIRD PARTIES IN CONNECTION WITH LAND DEVELOPMENT APPLICATIONS BEFORE THE LAND USE BOARDS, TO (1) EXPAND APPLICABILITY TO ALSO INCLUDE PRIVATE APPLICATIONS BEFORE THE CITY COMMISSION, AND (2) REQUIRE, AT A MINIMUM, THE DISCLOSURE OF THE MATERIAL TERMS OF ANY SUCH SETTLEMENT AGREEMENT.

RECOMMENDATION

N/A

BACKGROUND/HISTORY

N/A

ANALYSIS

Please place the above item on the February 26, 2025 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee (“LUSC”).

Under Section 2.1.1.1 of the Miami Beach Resiliency Code (formerly Section 118-31 of the prior Land Development Regulations), applicants before the Planning Board, Design Review Board, Historic Preservation Board, or Board of Adjustment are required to make written and verbal disclosures of any agreement with a third party to support or withhold objection to the requested approval, relief, or action. The Code requires that the disclosure “indicate to whom the consideration has been provided or committed” and “generally describe the nature of the consideration.”

I would like the LUSC to consider the following two amendments to Section 2.1.1.1 of the Resiliency Code:

1. Expand applicability of the above disclosure requirement to include any settlement agreements between applicants and third parties that are entered into in connection with private applications before the City Commission; and
2. Require, at a minimum, the disclosure of the material terms of any such settlement agreement.

Following review and a recommendation by the LUSC, I intend to sponsor a subsequent referral to the Planning Board.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?
(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/>

FINANCIAL INFORMATION

N/A

CONCLUSION

N/A

Applicable Area

Citywide

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

No

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): N/A

Department

Office of Commissioner David Suarez

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Commissioner Alex Fernandez

Condensed Title

Ref: LUSC - Amend Settlement Disclosure Requirement. (Suarez/Fernandez)

Previous Action (For City Clerk Use Only)