

R5 Y AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED, "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES," BY AMENDING SECTION 2-22(5)(B) THEREOF, ENTITLED "GENERAL REQUIREMENTS," TO REMOVE THE MANDATORY TWO-YEAR HIATUS PRIOR TO REAPPOINTMENT TO ANOTHER AGENCY, BOARD, OR COMMITTEE, EXCEPT FOR MEMBERS OF LAND USE BOARDS, WHO SHALL CONTINUE TO OBSERVE SUCH HIATUS; 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: May 21, 2025 11:01 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED, "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES," BY AMENDING SECTION 2-22(5)(B) THEREOF, ENTITLED "GENERAL REQUIREMENTS," TO REMOVE THE MANDATORY TWO-YEAR HIATUS PRIOR TO REAPPOINTMENT TO ANOTHER AGENCY, BOARD, OR COMMITTEE, EXCEPT FOR MEMBERS OF LAND USE BOARDS, WHO SHALL CONTINUE TO OBSERVE SUCH HIATUS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached Ordinance was prepared at the request of Commissioner Alex J. Fernandez.

The City of Miami Beach relies heavily on the dedicated service of its residents who volunteer their time and expertise to serve on various agencies, boards, and committees. These advisory bodies play a vital role in shaping public policy, informing decision-making, and fostering community engagement.

Under the current provisions of Section 2-22 the City Code, at-large appointees who have served the maximum term limit on a board or committee must observe a mandatory two-year hiatus before they are eligible for reappointment to a different agency, board, or committee. While well-intentioned, this provision has sometimes limited the City's ability to reengage highly qualified, experienced, and civically engaged individuals in public service.

To address this issue, the sponsor seeks to eliminate the mandatory two-year hiatus for at-large appointees—with the exception of those who have served on land use boards. Land use boards, such as the Planning Board or Board of Adjustment, consider applications with significant implications for zoning, development, and Miami Beach's built environment. For these bodies, maintaining the two-year hiatus is appropriate to promote fresh perspectives and preserve public confidence in quasi-judicial decision-making.

By removing the hiatus requirement for all other boards and committees, the City would improve its ability to appoint highly qualified individuals, maintain valuable institutional knowledge, and ensure continuity in the work of these advisory bodies.

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

CONCLUSION

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):

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

11:01 a.m. 1st Rdg PH, Eliminate Board Member 2-Year Hiatus Prior to Reappointment. (AF)
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 CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED, "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES," BY AMENDING SECTION 2-22(5)(b) THEREOF, ENTITLED "GENERAL REQUIREMENTS," TO REMOVE THE MANDATORY TWO-YEAR HIATUS PRIOR TO REAPPOINTMENT TO ANOTHER AGENCY, BOARD, OR COMMITTEE, EXCEPT FOR MEMBERS OF LAND USE BOARDS, WHO SHALL CONTINUE TO OBSERVE SUCH HIATUS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach relies on the dedicated service of volunteers who serve on various agencies, boards, and committees to support city governance and policy development; and

WHEREAS, current City Code imposes a mandatory two-year hiatus for at-large appointees who have served the maximum allowable term on a board or committee before they may be reappointed to a different agency, board, or committee; and

WHEREAS, this restriction has at times limited the City's ability to benefit from the institutional knowledge, leadership, and civic engagement of qualified and experienced individuals; and

WHEREAS, the City Commission finds that removing the mandatory two-year hiatus for reappointment—except in the case of members who have served on land use boards—will allow for greater flexibility in appointments, better continuity in public service, and a more efficient use of experienced talent; and

WHEREAS, land use boards address matters of substantial impact on zoning, development, and the built environment, and therefore a two-year hiatus for members completing full terms on these boards remains appropriate to ensure fresh perspectives and public confidence in the decision-making process.

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

SECTION 1. That Section 2-22 of Chapter 2 of the City Code is hereby amended as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

* * *

DIVISION 1. GENERALLY

* * *

Sec. 2-22. General requirements.

Except as otherwise specifically provided:

- (1) All agencies, boards and committees shall express a statement of their bodies' purpose.
- (2) All agencies, boards and committees shall appoint a chairperson and a vice-chairperson, or a chair shall be appointed by the mayor in cases dealing with a mayor's board or committee.
- (3) The enabling legislation for all agencies, boards and committees shall contain qualifications for membership as to knowledge and experience.
- (4) Members of agencies, boards and committees shall be affiliated with the city; this requirement shall be fulfilled in the following ways:
 - a. An individual shall have been a resident of the city for a minimum of six months; or
 - b. An individual shall demonstrate an ownership interest (for a minimum of six months) in a business established in the city (for a minimum of six months); or
 - c. An individual shall be a full-time employee of such a business (for a minimum of six months); provided further that such employee must be based in an office or other location of the business that is physically located in Miami Beach (for a minimum of six months). Notwithstanding the requirements set forth herein, the qualified full-time employee of a business must be approved by a four-sevenths vote of the mayor and city commission.

For the purposes of subsection (4)b., the following terms shall have the following meanings:

- (i) *Ownership interest* shall mean ownership of ten percent or more (including the ownership of ten percent or more of the outstanding capital stock) in a business.
- (ii) *Business* any sole proprietorship, sponsorship, corporation, limited liability company, or other entity or business association.

Members of agencies, boards, and committees, shall be required to demonstrate compliance with the city affiliation requirements of subsections (4)a., and b., by executing an affidavit, in a form prepared by the city clerk's office, stipulating that they have met either (or both) of the affiliation requirements in subsections (4)a., and/or b. Each agency, board, or committee members covered by the requirements of subsections (4)a. or b. shall file the original affidavit with the city clerk's office prior to being sworn in as a member.

Exceptions to subsections (4)a. and b. of this section shall only be permitted if it is determined by the city commission that an agency, board or committee requires the membership of an individual with a specific position, knowledge, experience or expertise not available in another individual who may otherwise comply with the terms of subsections (4)a. and b. of this section.

- (5) All ad hoc agency, board and committee terms shall be one year; all other agency, board and committee terms shall be two years, expiring on December 31 and commencing on January 1.

- a. Members appointed by individual city commissioners (referred to as "direct appointees") to a specific agency, board or committee shall serve for no more than eight consecutive years on such agency, board or committee.

Notwithstanding any other provision of the City Code or of any resolution, commencing with terms beginning on or after January 1, 2007, the term of every board member who is directly appointed by a member of the city commission shall automatically expire upon the latter of: December 31 of the year the appointing city commissioner leaves office or upon the appointment/election of the successor city commission member.

- b. Members appointed by the city commission as a whole (referred to as "at-large appointees") to any agency, board or committee shall serve for no more than six years on any agency, board or committee as an at-large appointee. ~~Nothing set forth in this subsection shall prohibit any individual from being reappointed (and serving up to six years) to any at-large position after a hiatus of two years. Individuals may be reappointed to any at-large position following the completion of their term without the requirement of a hiatus. However, individuals who have served six years on a land use board shall be required to observe a hiatus of two years prior to reappointment to any agency, board, or committee. However, individuals serving on an agency board or committee who will have otherwise served six years as of December 16, 2006, may serve the remainder of their existing term.~~

Term limits set forth in subsections (5)a. and b. of this section shall be measured retroactively from an individual's initial appointment to membership on an agency, board or committee.

Exceptions to subsection (5)b. of this section shall only be permitted if it is determined by the city commission that an agency, board or committee requires the membership of a registered architect or registered landscape architect who does not otherwise comply with the terms of subsection (5)b. hereinabove.

- (6) An individual member can serve as a chairperson of a specific agency, board or committee for no more than four consecutive years.
- (7) All agency, board and committee terms shall be staggered upon initial appointment by the city commission.

* * *

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 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 on the ____ day of _____, 2025.

PASSED AND ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor


Rafael E. Granado, City Clerk


(sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions

~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 

5/13/2025
Date