

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM", VIA THE ADDITION OF CODE SECTION 2-489 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY REAL ESTATE DEVELOPERS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE .

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

SECTION 1. That Miami Beach City Code Chapter 2, Article VII Division 5 thereof entitled "Campaign Finance Reform" is hereby amended by adding City Code Section 2-489 entitled "Prohibited Campaign Contributions by Real Estate Developers"; said Section reading as follows:

DIVISION 5. CAMPAIGN FINANCE REFORM

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Sec 2-489. Prohibited Campaign Contributions by Real Estate Developers

A. General.

- (1) (a) No real estate developer shall give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner. Commencing on the effective date of this ordinance, all applications for Development Agreements and for changes in zoning map designation as well as Future Land Use Map changes shall incorporate this Ordinance so as to notify potential real estate developers of the proscription embodied herein.
- (b) No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign contribution directly or indirectly from a real estate developer. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the City of Miami Beach Planning Department's records (including City of Miami Beach website) to verify the real estate developer status of any potential donor.
- (2) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions deposited by a candidate in violation of this section shall be forfeited to the city's general revenue fund.

(3) (a) A person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from becoming a real estate developer.

(b) A real estate developer shall not make a contribution within 12 months after termination of its status as a real estate developer.

(4) As used in this section:

(a) 1. A "real estate developer" is a person and/or entity who has a **present pending application for a** Development Agreement with the City or who is currently negotiating with the City for a Development Agreement, or, who has a present or pending application with the City for a change of zoning map designation or a change to the City's Future Land Use Map.

2. "Real estate developer" shall include natural persons and/or entities who hold a controlling financial interest in a real estate developer entity. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of 10% or more of the outstanding capital stock in any corporation or a direct or indirect interest of 10% or more in a firm. The term "firm" shall mean a corporation, partnership, business trust or any legal entity other than a natural person.

3. For purposes of this ordinance, "real estate developer" status shall terminate upon the final approval or disapproval by the City Commission of the requested Development Agreement, and/or upon final approval or disapproval of the subject application for the land use relief, referred to in (4)(a)1 above.

(b) The term "Development Agreement" shall have the meaning ascribed to such term in Chapter 163, Florida Statutes, as amended and supplemented. For purposes of this ordinance, the term "Development Agreement" shall include any amendments, extensions, modifications or clarifications thereto.

(c) The term contribution shall have the meaning ascribed to such term in Chapter 106, Florida Statutes, as amended and supplemented.

Italicized language = As amended on 1st reading January 8, 2003
Bold language = Changes proposed by Commissioner Jose Smith

B. Conditions for waiver of prohibition.

The requirements of this section may be waived by a 5/7th vote for a particular real estate project and/or land use application by city commission vote after public hearing upon finding that such waiver would be in the best interest of the City.

Any grant of waiver by the city commission must be supported with a full disclosure of the subject campaign contribution.

C. Applicability.

This section shall be applicable only to prospective real estate projects and/or applications for land use relief, and the City commission may in no case ratify a Development Agreement and/or application for land use relief entered into in violation of this section.

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.

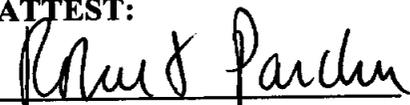
It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

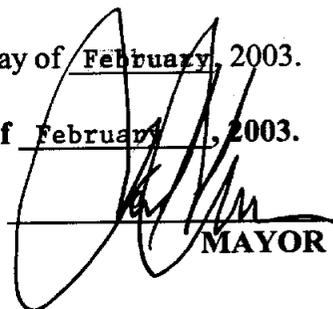
SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the 15th day of February, 2003.

PASSED and ADOPTED this 5th day of February, 2003.

ATTEST:


CITY CLERK


MAYOR

(Requested by Mayor David Dermer and approved by Community Affairs Committee)
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 1-12-03
City Attorney Date