

RESOLUTION NO. 2020-31353

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 3, 2020 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHALL ADOPT AN ORDINANCE EXCLUDING CERTAIN SPECIFIED AREAS OF A BUILDING FROM THE CALCULATION OF "FLOOR AREA".

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AS FOLLOWS:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida, and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 3, 2020, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the voting precincts in the City of this Special Election shall be as established by the proper and appropriate Miami-Dade County election officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County election officials.¹

¹ Pursuant to City Code Section 38-3(b), "[t]he City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statutes § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

SECTION 4.

Not fewer than thirty days' notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

**THE CITY OF MIAMI BEACH, FLORIDA
NOTICE OF SPECIAL ELECTION**

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON NOVEMBER 3, 2020 AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Ordinance excluding certain areas of a building from calculation of "floor area"

"Floor area" is used by City to regulate the overall size of a building. Any increase to a property's maximum floor area requires voter approval under City Charter Section 1.03(c).

Shall City adopt an ordinance excluding the following areas from the calculation of a building's floor area:

- Secured bicycle parking spaces,
- Stairwells / elevators located above main roof decks,
- Electrical transformer vault rooms, and
- Fire control rooms / related life-safety equipment?

_____ YES
 _____ NO

The Notice shall further set forth pertinent information regarding eligibility of electors to

participate in this Election.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 3, 2020, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

Ordinance excluding certain areas of a building from calculation of "floor area"

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- Fire control rooms / related life-safety equipment?

_____ YES
 _____ NO

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on Monday, October 5, 2020. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered

previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in this Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone:(305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

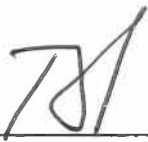
If any section, sentence, clause or phrase of this Resolution or of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution or ballot measure.

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 29 day of July, 2020.

ATTEST:


7/29/2020
Rafael E. Granado, City Clerk


Dan Gelber
Mayor

APPROVED AS TO FORM AND LANGUAGE AND FOR EXECUTION

 7/21/20
NK



City Attorney

Date

**NOVEMBER 3, 2020 CITY OF MIAMI BEACH SPECIAL ELECTION:
BALLOT QUESTION**

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_____ YES
_____ NO