

CITY OF MIAMI BEACH CAMPAIGN FINANCE LAWS

In light of the City Commission's January 13, 2016 amendments to Miami Beach's Campaign Finance laws (Ordinance 2016-3991), this Memorandum has been prepared to provide a brief outline of such laws' applicability to candidates for elected office in the City of Miami Beach and their campaign committees. The subject Code proscription is summarized as follows:

Candidates for the offices of Miami Beach Mayor or City Commissioner, as well as their campaign committees, may not directly or indirectly solicit, accept, or deposit into such candidate's campaign account any campaign contribution from a vendor, real estate developer¹, and/or their lobbyists.

The following chart sets forth the Code's prohibited actions, as well as those actions not otherwise prohibited, applicable to City candidates and their campaign committees:

PROHIBITED ACTIONS	ACTIONS NOT PROHIBITED
<p>May not "directly" (i.e., the candidate him/herself) solicit, accept, or deposit into that candidate's campaign account a campaign contribution from a vendor, real estate developer, or lobbyist of a vendor or real estate developer.</p>	<p>May directly solicit, accept, or deposit into a candidate's campaign account a campaign contribution from a donor, so long as the donor is not a vendor, real estate developer, or lobbyist of a vendor or real estate developer.</p> <p>NOTE: Candidates and their campaign committees are directed to make reasonable efforts to ensure that potential donors solicited on a wide-scale basis (such as open invitations to a particular class of invitees, or solicitations via e-mail blasts) do not include City vendors, real estate developers, or their lobbyists².</p>

¹ The terms "vendor" and "real estate developer" are specifically defined in the City Code and only those persons/entities falling within those definitions are subject to the City's campaign finance restrictions. See City Code section 2-487(4) defining the term "vendor," and City Code section 2-489(4) defining the term "real estate developer."

² If a candidate, in the midst of a wide-scale solicitation, were to inadvertently solicit a vendor, real estate developer, or their lobbyist, such action would constitute a per se violation of the City's Code, subject to review by the Miami-Dade County Ethics Commission. In such situation, the Ethics Commission would consider all reasonable efforts made by the candidate to pre-determine whether such prohibited donors would be within the class of persons targeted for solicitation, as well as all efforts made by the candidate to mitigate the prohibited solicitation (such as timely correspondence withdrawing requests for contributions and/or returning such contributions).

PROHIBITED ACTIONS	ACTIONS NOT PROHIBITED
<p>May not “indirectly” (i.e., through a third party, where the candidate has coordinated with or directed another person/entity to act) solicit, accept, or deposit into that candidate’s campaign account a campaign contribution from a vendor, real estate developer, or lobbyist of a vendor or real estate developer.</p>	<p>May indirectly solicit, accept, or deposit a campaign contribution into a candidate’s campaign account from a donor, so long as the donor is not a vendor, real estate developer, or lobbyist of a vendor or real estate developer.</p> <p>NOTE: Candidates and their campaign committees are directed to make reasonable efforts to ensure that those potential donors solicited on a wide-scale basis (such as open invitations to a particular class of invitees, or solicitations via e-mail blasts) do not include City vendors, real estate developers, or their lobbyists.</p>
<p>May not directly or indirectly solicit a vendor, real estate developer, or lobbyist of a vendor or real estate developer for a campaign contribution to a political committee (PC)³ that supports or opposes candidates for City elected office.</p>	<p>May directly or indirectly solicit a vendor, real estate developer, or lobbyist of a vendor or real estate developer, for a campaign contribution to an electioneering communication organization (ECO), to a PC that does not support or oppose candidates for City elected office, or to a candidate for office other than City Mayor or Commissioner.</p> <p>NOTE: The City Code prevents candidates for City office from soliciting campaign contributions on behalf of a PC when that PC supports/opposes candidates for City elected office BUT does not prohibit a City candidate from otherwise associating with or serving as an officer of a political committee, regardless of whether that PC does or does not support/oppose candidates for City elected office.</p>
<p>May not solicit, accept or deposit into a candidate’s campaign account a campaign contribution from a potential donor without first checking the City’s website, as well as verifying with the City’s Procurement Division, the “vendor” status of any potential donor, verifying with the City Clerk’s records department the “real estate developer” status of any potential donor, and verifying with the City Clerk’s records whether a potential donor is a “lobbyist” for a vendor or real estate developer.</p>	<p>Once this verification process has occurred and the candidate and/or his/her campaign committee has confirmed that a potential donor is not a vendor, real estate developer, or lobbyist for a vendor or real estate developer, the candidate and his/her campaign committee may then solicit, accept, or deposit into the candidate’s campaign account a campaign contribution from the subject potential donor.</p>

Important Web Links:

- To view the current list of vendors prohibited from making campaign contributions, visit

³ The City’s Ordinance expressly provides that the term “political committee” is defined in accordance with Florida Statutes Chapter 106, and that the term “candidate” is defined in accordance with Florida Statutes 97.021(5).

<https://www.miamibeachfl.gov/city-hall/city-clerk/election-information/campaign-finance/>
and scroll to the bottom of the page to the section entitled “Vendors.”

- To view the current list of lobbyists on procurement issues, real estate developers, and lobbyists on real estate development issues prohibited from making campaign contributions, visit <https://www.miamibeachfl.gov/city-hall/city-clerk/election-information/campaign-finance/> and scroll to the bottom of the page to the section entitled “Lobbyists & Real Estate Developers.”

The preceding is intended as an overview of the City’s Campaign Finance Laws’ applicability to candidates for City office. A copy of Sections 2-487 through 2-491 of the Miami Beach City Code, entitled "Campaign Finance Reforms" is included in TAB 17 of this handbook.