

2024 Miami Beach City Charter Amendments

Background & Summary

The Miami Beach City Charter is analogous to a constitution for the City. The Charter defines such important matters as the structure and authorities of government, the rights of residents, the responsibilities of elected officials and charter officers, the conduct of elections to the Commission and requirements for the sale/lease of City property. **Any changes to the Charter must be approved by voters.**

Every ten years the Mayor and Commissioners appoint seven residents to serve on the Miami Beach Ad Hoc Advisory Charter Review Board. This Board is responsible for a comprehensive review of the City's current charter and for recommending changes to ensure that the charter meets the current and future needs of government and residents.

The most recent Ad Hoc Advisory Charter Review Board commenced its work on February 6, 2023 and held 18 public meetings for purpose of getting substantial input before finalizing its recommendations in a final report issued on May 3, 2024. **MBU was fortunate to have three of its own directors appointed to the Charter Review Board and two were elected to leadership positions:**

Jorge Gonzalez – Chair

Ronald Starkman – Vice Chair

Elizabeth Latone – Member

The Chair and Vice Chair participated in two Commission meetings (June 26 and July 24) where the Mayor and Commissioners discussed each of the Charter Review Board's recommendations. Given that the Charter Review Board is advisory only, the Commission then decided which of the recommended revisions to accept, reject or modify before approving a set of specific ballot questions for the November 2024 election. The Commission approved seven amendments.

The City Charter amendments for voter approval are summarized below and will be discussed by our MBU Charter Review Board members at our upcoming virtual forum on Tuesday October 1, at 6:00 p.m.

It's worth noting that the Commission did not accept a number of the Charter Review Board's recommendations. These included (1) requiring voter approval for increases in all forms of Commissioner cash compensation (not just salary), (2) elimination of the requirement that Commissioner candidates run in a specific group with the three highest vote getters being elected (this would have allowed voters to choose their preferred

candidates from the entire pool of candidates and eliminate the need and expense for runoffs), (3) further restrictions on gifts (4) requirement that the County or State Ethics Commission provide an opinion on a current Commissioner's outside employment or contractual relationships and (5) limits on the power of Commissioners to give orders directly to the City Manager's subordinates.

Charter Amendments for Voter Approval on Nov 5

1. CHARTER REVIEW - BILL OF RIGHTS

A RESOLUTION ASKING WHETHER THE CITY CHARTER'S "CITIZENS' BILL OF RIGHTS" SHOULD BE AMENDED TO EXPAND UPON ITS EXISTING RIGHTS AND TO INCORPORATE MIAMI-DADE COUNTY ETHICS COMMISSION'S POWERS TO ENFORCE AND IMPOSE PENALTIES (IN ADDITION TO EXISTING CIRCUIT COURT ENFORCEMENT).

2. CHARTER REVIEW - BILL OF RIGHTS-FORFEITURE

A RESOLUTION ASKING WHETHER THE CITY CHARTER'S "CITIZENS' BILL OF RIGHTS" SHOULD BE AMENDED REGARDING ITS CIRCUIT COURT FORFEITURE REMEDY FOR WILLFUL VIOLATIONS OF BILL OF RIGHTS, TO PROVIDE THAT FORFEITURE IS SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS (PER STATE LAW) AND TO ESTABLISH SUCH FORFEITURE REMEDY AS DISCRETIONARY INSTEAD OF MANDATORY BASED UPON COURT'S DETERMINATION THAT THE VIOLATOR HAS COMMITTED REPEATED VIOLATIONS OF BILL OF RIGHTS.

3. CHARTER REVIEW - CHARTER 1.03(C) SALE/LEASE

A RESOLUTION ASKING WHETHER CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ALL RIGHT-OF-WAY VACATIONS, SALES, AND LEASES (10 YEARS OR MORE) OF CITY PROPERTY; AMEND REQUIREMENTS FOR SALES/LEASES/VACATIONS; AND AMEND REQUIREMENTS FOR MANAGEMENT/CONCESSION AGREEMENTS OF 10 YEARS OR MORE.

4. CHARTER REVIEW - CHARTER 2.01 DATE OF ELECTION

A RESOLUTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO MOVE CITY'S RUNOFF ELECTION DATE FROM 2 WEEKS AFTER CITY'S GENERAL ELECTION TO SECOND TUESDAY IN DECEMBER IMMEDIATELY FOLLOWING CITY'S GENERAL ELECTION, ESTABLISH INSTALLATION/ COMMENCEMENT OF TERMS DATE AS MONDAY IMMEDIATELY FOLLOWING DATE OF RUNOFF ELECTION, AND IN ORDER TO CONFORM WITH AND ENSURE AN ORDERLY TRANSITION TO THE ABOVE CHARTER AMENDMENTS, PROVIDE THAT EXISTING COMMISSION MEMBERS' TERMS EXPIRING NOVEMBER 2025 AND NOVEMBER 2027 SHALL BE RESPECTIVELY EXTENDED TO THOSE YEARS' DECEMBER INSTALLATION DATE.

5. CHARTER REVIEW - CHARTER 2.05 PUBLIC HEARINGS AND ONLINE NOTICES

A RESOLUTION ASKING WHETHER CITY CHARTER SECTION 2.05 SHOULD BE AMENDED TO REQUIRE TWO PUBLIC HEARINGS INSTEAD OF ONE FOR PROPOSED CITY ORDINANCES (SUBJECT TO EXISTING EXCEPTIONS), AND TO AUTHORIZE THE CITY'S ALTERNATIVE OPTIONAL PUBLICATION OF NOTICE OF PROPOSED ORDINANCES ON A PUBLICLY ACCESSIBLE WEBSITE IN ACCORDANCE WITH CHAPTER 50, FLORIDA STATUTES, INSTEAD OF REQUIRING PUBLICATION OF SUCH NOTICES ONLY IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY.

6. CHARTER REVIEW - CHARTER 2.07 VACANCIES

A RESOLUTION ASKING WHETHER CITY CHARTER SECTION 2.07, "VACANCIES IN CITY COMMISSION," SHOULD BE AMENDED TO REQUIRE AN ELECTION TO FILL A VACANCY UNLESS THE CITY COMMISSION MAKES AN APPOINTMENT TO FILL THE VACANCY WITHIN 30 DAYS, PROVIDE THAT COMMISSION'S POWER TO APPOINT SHALL COMMENCE UPON VACANCY OR SUBMITTAL OF RESIGNATION (IF FILED) INSTEAD OF 30 DAYS LATER, REQUIRE APPOINTMENTS BY REMAINING COMMISSION MEMBERS BE APPROVED ON A SUPER-MAJORITY (MAJORITY PLUS 1) VOTE INSTEAD OF MAJORITY VOTE, AND CLARIFY ELECTION AND INSTALLATION DATES REGARDING VACANCIES DUE TO RESIGNATION.

7. CHARTER REVIEW – CONFORMING

A RESOLUTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO CLARIFY THE ONE-YEAR RESIDENCY REQUIREMENT TO QUALIFY FOR OFFICE AS "IMMEDIATELY" PRIOR TO QUALIFYING, CLARIFY FILING REQUIREMENTS FOR QUALIFYING BY PETITION (CHARTER SECTION 6.03); CLARIFY AND CONFORM TO FLORIDA LAW THE RESTRICTION ON QUALIFYING FOR MORE THAN 1 CITY OFFICE, REPLACE CERTAIN OBSOLETE REFERENCE TO "COMMISSIONER" WITH "COMMISSION MEMBER" (CHARTER SECTION 2.01); AND CONFORM CHARTER SECTION 1.07 TO INCLUDE ALL NONDISCRIMINATION CLASSIFICATION CATEGORIES IN CHAPTER 62 OF THE CITY CODE.