

Sec. 2-309. 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 December 5, 2026, all applications for development agreements and for changes in zoning map designation as well as future land use map changes shall incorporate this section so as to notify potential real estate developers of the proscription embodied herein.

(b) i. No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, or member of the city commission, shall directly or indirectly solicit, accept, or deposit into such candidate's campaign account any campaign contribution from a real estate developer. Candidates (or those acting on their behalf), as well as members of the city commission, shall ensure compliance with this code section by confirming with the city development service department's records (including the City website) to verify the real estate developer status of any potential donor.

ii. For purposes of subsection A(1)(b)i. hereinabove, the term "indirectly solicit" shall be defined as the situation in which a candidate, campaign committee of a candidate, or member of the city commission actively coordinates or directs another person or entity to solicit a real estate developer for a campaign contribution, as prohibited above. The term "indirectly" shall also be defined to include those instances in which a candidate for the offices of mayor or commissioners, or a member of the city commission, solicits a real estate developer for campaign contributions for a political committee which supports or opposes candidates for city elected office, or solicits a real estate developer for contributions for an electioneering communications organization (ECO) which makes expenditures for electioneering communications relating to candidates for city elected office or accepts contributions for the purpose of making such electioneering communications.

(2) (a) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of soliciting, giving, accepting 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.

(b) Any candidate or member of the city commission that is issued a letter of instruction or other finding of a violation of this section or sections 12-14.2.1 or 12-14.2.2 of the Code of Miami-Dade County, Florida shall provide the city clerk with a copy of such letter of instruction or other finding of violation within ten days of receipt thereof, and the city clerk shall post such letter of instruction or other finding of a violation on the city's website.

(c) If the letter of instruction or other finding of a violation involves any failure to comply with the requirements of sections 12-14.2.1 or 12-14.2.2 of the Code of Miami-Dade County, Florida, the candidate or member of the city commission

shall notify the city clerk in writing, at the time of submission to the city clerk of the letter of instruction or other finding of a violation, whether the contribution or proceeds associated with such letter of instruction or other violation has been returned to the donor.

(d) Notwithstanding the provisions of section 2-489(D) herein, the provisions of sections 2-489(A)(2)(b) and (c) shall apply to any letter of instruction or other finding of a violation issued on or after the effective date of the ordinance codified in this section.

(3) (a) A person or entity other than a real estate developer 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) i. A real estate developer who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from becoming a real estate developer for a period of 12 months from a final finding of violation, or from action on a waiver request by the City Commission in the event a waiver of said violation is sought.

ii. In the event such waiver request for a particular real estate project and/or land use application is granted, the affected real estate developer shall nonetheless be disqualified from serving as a real estate developer with the city as to all other relevant real estate projects and/or applications for land use relief referred to in subsection A(4)(a)(1) below for the stated 12-month period. In the event such waiver request is denied for a particular real estate project and/or land use application, the 12-month disqualification period for the affected real estate developer shall apply to both the particular real estate project and/or land use application which was the subject of the waiver request, as well as all other relevant real estate projects and/or applications for land use relief referred to in subsection A(4)(a)i., below during that 12-month period.

(c) 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) i. A "real estate developer" is a person and/or entity who has a 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.

ii. "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 ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest often percent or more in a firm.

The term "firm" shall mean a corporation, partnership, business trust or any legal entity other than a natural person.

iii. For purposes of this section, "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 subsection (4)(a)i. above.

(b) The term "development agreement" shall have the meaning ascribed to such term in F.S., ch. 163, as amended and supplemented. For purposes of this section, 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 F.S., ch. 106, as amended and supplemented.

(d) The term "political committee" shall have the meaning ascribed to such term in F.S., ch. 106, as amended and supplemented.

(e) The term "electioneering communications organization" or ("ECO") shall have the meaning ascribed to such term in F.S., ch. 106, as amended and supplemented.

(f) The term "candidate" shall have the meaning ascribed to such term in F.S., § 97.021(5), as amended and supplemented.

B. *Registration with city clerk.* Prior to commencing solicitation activities (not otherwise prohibited by this section), either directly or indirectly, on behalf of a political committee which supports or opposes candidates for city elected office, or electioneering communications organization which makes expenditures for electioneering communications relating to candidates for city elected office or accepts contributions for the purpose of making such electioneering communications, a candidate for the offices of mayor or commissioners, or a member of the city commission, shall file a one-time report with the city clerk indicating that the candidate or member of the city commission is undertaking solicitation activities on behalf of such political committee or electioneering communications organization. The report shall identify the name of the political committee or electioneering communications organization on behalf of whom such funds are being solicited and a description of the relationship between the candidate or member of city commission (as is applicable) and the political committee or electioneering communications organization. The report shall be filed on a form created by the city clerk for such purpose. The registration requirements of this section shall apply to solicitations activities made on or after December 5, 2026.

(1) The report shall be filed on a form created by the city clerk for such purpose, and shall include:

(a) The full name, address and telephone number of the political committee or electioneering communications organization on behalf of whom such funds are being solicited;

- (b) The name of the registered agent for the political committee or electioneering communications organization, as well as the name of the chairperson or treasurer thereof;
 - (c) The jurisdiction where the political committee or electioneering communications organization filed its statement of organization (e.g., either City of Coral Gables, Miami-Dade County, or the State of Florida);
 - (d) A description of the relationship between the candidate or member of city commission (as is applicable) and the political committee or electioneering communications organization; and
 - (e) A certification that the candidate or member of the city commission acknowledging that it is their responsibility to read, understand, and follow the campaign finance requirements described in this article VII, division 5.
- C. *Conditions for waiver of prohibition.* The requirements of this section may be waived by a four-fifths 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.
- D. *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.