

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2025-____

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE V, "CONFLICT OF INTEREST AND CODE OF ETHICS," OF THE CORAL GABLES CITY CODE TO CREATE SECTION 2-309, "ANTI-KICKBACK AND POST-APPROVAL DISCLOSURE REQUIREMENTS"; TO REQUIRE DISCLOSURE OF BUSINESS RELATIONSHIPS FORMED AFTER CITY COMMISSION APPROVAL OF A PROJECT; TO ESTABLISH ENFORCEMENT MECHANISMS, PENALTIES, AND DEBARMENT FOR FALSE STATEMENTS; PROVIDING SUPPLEMENTAL LOCAL DISCLOSURE OBLIGATIONS CONSISTENT WITH CHAPTER 112, FLORIDA STATUTES, AND MIAMI-DADE COUNTY CODE §2-11.1; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

SECTION 1. Findings.

The City Commission finds that it is in the public interest to ensure full transparency, integrity, and accountability in all City contracting, development, and permitting processes. These requirements supplement, and shall not conflict with, Chapter 112, Florida Statutes, or the Miami-Dade County Conflict-of-Interest and Code of Ethics Ordinance (§ 2-11.1).

SECTION 2. Creation of Section 2-309.

This section establishes Anti-Kickback and Post-Approval Disclosure Requirements to close the transparency gap after project approval, ensuring continuous disclosure by elected officials and developers, and setting penalties for false sworn statements.

(e) Applicant Anti-Kickback Affidavit; notarization; criminal referral.

1. Every applicant, contractor, developer, or affiliated entity seeking City Commission approval or permits shall execute and file a sworn and notarized Anti-Kickback Affidavit certifying that: (a) No elected official or their affiliates have been promised or given compensation or favors in exchange for favorable action; (b) No undisclosed agreements exist between the applicant and any elected official regarding the project.
2. The affidavit shall be filed with the City Clerk at the time of project application and again at the permitting stage, and shall be posted publicly in accordance with subsection (g).
3. Filing a false sworn affidavit may constitute **perjury** under Florida Statutes §837.02 and will be referred to the State Attorney for investigation. Criminal prosecution decisions remain under prosecutorial discretion.

(f) Enforcement, administrative remedies, and debarment.

1. The City Manager or designee may initiate an administrative review upon credible allegations that an affidavit is false or incomplete. The City may suspend permits, halt inspections, or delay contract execution pending investigation.
2. If, after notice and a hearing, the City finds that an applicant knowingly made false statements in an affidavit or engaged in a willful scheme to circumvent this ordinance, the City may rescind approvals, terminate contracts, and debar the individual or entity from City projects for up to **five (5) years**.
3. Debarment requires written notice, opportunity to respond, and an impartial administrative hearing. The decision shall include findings of fact and be subject to judicial review.
4. If criminal charges are filed, the City may suspend the applicant from contracting or permitting activities pending resolution.
5. The City may pursue civil remedies, restitution, or injunctions in court. Final debarment decisions and criminal referrals will be posted publicly on the City's disclosure webpage.

(g) Public Posting and Transparency.

The City Clerk shall post all affidavits on the City website within three (3) business days under the Development section, searchable by project, developer, address, and elected official, and shall retain postings for five (5) years after Certificate of Occupancy issuance. Documents must comply with accessibility standards and include a Spanish-language notice.

SECTION 3. Repealer. All ordinances in conflict herewith are repealed.

SECTION 4. Severability. If any portion is held invalid, the remainder shall not be affected.

SECTION 5. Codification. This ordinance shall become part of the City Code.

SECTION 6. Effective Date. Effective immediately upon passage.