

**Public  
Comment  
Emails,  
received  
between 7-13-  
20 to 9-24-20**



***City of North Miami Beach, Florida***  
***Community Development Department***

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TO: Pamela Latimore, City Clerk  
Municipal Code Corporation

FROM: Richard G. Lorber, Community Development Director

DATE: August 24, 2018

RE: Request for Correction of Scrivener's Error

It has come to our attention that one of our adopted ordinances was not adopted exactly as it was adopted by the City Commission. This involves Ordinance No. 2015-5, which was adopted by the City on March 17, 2015.

Specifically, Section 24-58.7 (O)(2)(e), involving the Eastern Mixed-Use Waterfront District, was amended to add additional language. Apparently this language was inadvertently not included in the version of the ordinance that was eventually codified. I have personally re-watched the video of the Commission meeting, and confirm that at approximately 9:52pm, there was a motion, 2nd and majority vote to amend the language. The amendment necessary to correct is shown below.

(2) *Public Services.*

- \* \* \*
- e. The developer shall be required to Pprovide for multiple access points with direct east and west access to and from SR 826 and traffic mitigation such that the development does not over burden NE 35th Avenue.

We are requesting that the codifier make the necessary change as shown above. Please let me know when this is corrected. Thank you very much.

**Sec. 24-58.7 - Eastern Mixed-Use Waterfront District (MU/EWF).**

(A) *Purpose and Intent.* The purpose of these regulations is to implement policies that guide the design of development within the Eastern Mixed-Use Waterfront District (EASTERN MU/WF). The intent of the EASTERN MU/WF district is to establish a Mixed-use area that serves as the center of activity for the entire Eastern Shores neighborhood. The district shall provide for multi-family housing that enables residents to live on the waterfront. Providing new publically accessible open spaces as well as public access to and beautification of the waterfront are primary principals of the EASTERN MU/WF district. The district shall also improve the fire rescue station and provide a police sub-station to enhance the public services in the Eastern Shores neighborhood. Development patterns shall generally reflect planning and design principles that reduce traffic by designing a walkable neighborhood oriented around the five-minute walk. Additionally, there shall be primary orientation towards the waterfront, integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Ensuring that new development or redevelopment projects enhance the visual character of the District and does not create incompatibility with the adjacent single family properties in terms of massing and scale;
- (3) Encouraging the development of a neighborhood main street with pleasant shopping areas and attractive pedestrian spaces;
- (4) Stimulating neighborhood commercial and retail activities;
- (5) Encouraging people to reside in the District;
- (6) Ensuring the mitigation of traffic issues such as providing additional access points into the site, where feasible;
- (7) Ensuring public access to and the beautification of the waterfront;
- (8) Ensuring the development and maintenance of new publically accessible open space; and
- (9) Retaining and enhancing the existing rescue station and addition of a police substation.

\* \* \*

(O) *Development Approval Conditions.*

- (1) *Public Infrastructure and Streetscape Assessment and Fund.*
  - a. All new residential development, or renovation or remodeling of residential units within the EASTERN MU/WF, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than five hundred thousand (\$500,000.00) dollars shall pay a public infrastructure and streetscape assessment per dwelling unit. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
  - b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
  - c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
  - d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from residential development,



or renovation or remodeling of residential units within the EASTERN MU/WF shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the EASTERN Shores Neighborhood. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) **Public Services.**

- a. The developer shall be required to relocate, rebuild, improve, enhance or otherwise address per the direction of the City/County, the existing fire rescue station onsite.
- b. The developer shall be required to provide, or otherwise address per City direction, a police substation onsite.
- c. The developer shall be required to develop and maintain in perpetuity a minimum of six (6) acres of publically accessible open space in the District. Part of this six (6) acres shall be a new publically accessible neighborhood park, conveniently located for access by residents of the Eastern Shores Neighborhood, a minimum of sixty-five thousand (65,000) square feet in size.
- d. The developer shall be required to develop and maintain in perpetuity a publically accessible waterfront promenade, the general location of which is approximately shown in the Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure MU/EWF-3). The new publically accessible waterfront promenade shall generally extend along the entire northern and eastern site boundary edges adjacent to the water.
- e. **The developer shall be required to provide** for multiple access points with direct east and west access to and from SR 826 and traffic mitigation such that the development does not over burden NE 35th Avenue.
- f. The developer shall be required to provide streetscape improvements within the MU/EWF property generally in accordance with the Street Network Connectivity Regulating Plan and Street Standards.

(P) *Development Permit Review Procedures.* The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Provide a traffic study that shows multiple access points with direct east and west access to and from SR 826 and traffic mitigation such that the development does not over burden NE 35th Avenue. Show plans to provide public access to the waterfront; improve, enhance, relocate, rebuild or otherwise address per City/County direction the Miami-Dade Rescue Station; address, per City direction, the addition of a police substation; and address the long term maintenance of designated publically accessible open spaces.
  - (b) In addition to the submittal requirements in Article XV and Section 24-171 (Concurrency), the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/EWF District's:
    - (1) Sub-Areas Regulating Plan.
    - (2) Street Network and Connectivity Regulating Plan.

- (3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan.
- (4) Building Heights Regulating Plan.
- (5) Building Typology.

( Ord. No. 2015-5, § 2(Exh. A), 3-17-15; Ord. No. 2016-6, § 2, 7-5-16)

YouTube video by Dezer employer showing Dezerland without permits:  
[https://www.youtube.com/channel/UCH8BunQ3-K\\_7PBpXWy6RD0g](https://www.youtube.com/channel/UCH8BunQ3-K_7PBpXWy6RD0g)

Article link: <https://www.orlandoweekly.com/Blogs/archives/2019/02/11/city-of-orlando-issues-stop-work-order-on-dezerland-action-park>

## City of Orlando issues stop work order on Dezerland Action Park

Posted By [Paul Brinkmann](#) on Mon, Feb 11, 2019 at 10:16 AM



City officials have slapped a stop work order on the entire renovation of the former Artegon Marketplace shopping mall, and restarted \$200-a-day fines against its owner, President Donald Trump's friend and business partner Michael Dezer.

Dezer has been renovating the mall and renamed it Dezerland Action Park. The stop work order and new fines began Friday after code officers were on site and observed that work had been done without proper permits, city spokeswoman Karyn Barber said.

"The applicant did not come into compliance for the building alterations they had done previously, without permits, in time for the February 7th deadline," Barber said in an emailed statement.

Dezer's company had plans to open early this year as a limited auto dealership, which they believed was allowed under existing zoning.

When asked Monday morning about the stop work order, Dezer's general manager in Orlando, Michael Rich, said he believed the order was only for one tenant at the mall. But Barber confirmed that the city has ordered work to stop on the entire project. After he was asked for clarification, Rich said, "We have stopped work pending plans in review."

The mall itself sat empty for a year until Dezer came along and bought it, on 100-plus acres in the heart of Orlando's tourism corridor, for nearly \$24 million. Almost immediately, he started moving 1,500 cars from his South Florida collections to the former mall and planned to open a variety of attractions there, including a go-cart track and vintage pinball museum.

He quickly ran into trouble with the City of Orlando, which started fining him for lack of permits.



On a separate matter, Dezer has submitted a new master plan for the entire property, including a future apartment building to the south of the mall building. Those plans are now set for public meetings for Technical Review at 2 p.m. Tuesday, March 5; at the city's Municipal Planning Board, 8:30 a.m. Tuesday, March 19; and finally the City Council at 2 p.m. Monday, April 22.

Dezer was known for building multiple "Trump Tower" condos in South Florida as well as the luxurious Porsche Design Tower in Miami, where units have their own car elevator and garage.

Dezer has one of the most extensive private vehicle collections in the world, including a Vespa collection, and one of the world's largest James Bond collections. His museum in South Florida had a section dedicated to the James Bond movie, *From Russia With Love*.

**From:** [Margo Berman](#)  
**To:** [Proffitt, Justin](#)  
**Subject:** Important Intracoastal Mall Redevelopment information  
**Date:** Thursday, August 06, 2020 1:14:22 PM  
**Attachments:** [Dezerland - no work permits.docx](#)

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**[EXTERNAL]** This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Justin,

I wanted to explain the key issues that are upsetting many of the residents, including a feasible traffic solution, the overbearing density, a hotel's security/noise problems, a canal's safety issues and the traffic hazards of a parking garage at the entrance to Eastern Shores.

For your reference, I'm attaching two news articles that point out specific problems. The first one is a link to a news clip. This showcases inappropriate guest behavior at condos being used as short-term rentals. It featured Miami condos that have been converted into hotel-like party spots.

<https://wsvn.com/news/investigations/residents-at-2-miami-condos-fed-up-with-short-term-rentals-pandemic-parties>

The second article details Dezer's avoidance of permits while building Dezerland, an entertainment complex in Orlando. The city sued him and stopped construction until he obtained the necessary building permits.

It also contains a disturbing YouTube link with Mark Harmon, an employee who sued Dezer, walking through the center pointing out all the cordoned off areas that prevented inspectors any access.

Both articles and the Dezer-related video serve as a warning to any city official. Promises are only as honorable as the person who makes them. How comfortable would you be signing a 30-year agreement with a developer who doesn't even bother to get permits?

Now, ask yourself how anyone can safely predict the future or realistically guarantee tax revenue of \$11 million dollars or 2,700 new jobs from a new, mixed-use project? If that were accurate, then it would be no problem for Dezer to set up an \$11 million escrow account as a guarantee.

I hope you carefully consider the above information when it's time to vote.

Thank you again for your attention. I look forward to speaking with you in the future.

Best regards,  
Margo

**Margo Berman, Professor, Author, Inventor**

305-318-6427

[www.MentalPeanutButter.com](http://www.MentalPeanutButter.com)

[Margo Berman: Books](#)

**Apps: On iTunes**

- *Advertising tactikPAK* <http://apple.co/1GRItOv>
- *Copywriting tactikPAK* <http://apple.co/1dA7TXx>



**On Google Play:** *Copywriting tactikPAK* <http://tinyurl.com/q7ml8ys>

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July 13, 2020

City of North Miami Beach  
17011 NE 19th Ave  
North Miami Beach, FL 33162

To Mayor, Commissioners and City Manager

This letter is regarding the Dezer Presentation for Traffic Mitigation Plans at the Intracoastal Mall "Eastern Mixed-Use Waterfront District (EASTERN MU/WF) presented by Dezer on Friday evening 7/10/20.

1. I have attached the July 2020 traffic study comments from The Corradino Group to J. Profit dated 7/7/20 which is one of the attachments to the P&Z agenda for 7/13/20...

➔ Regarding the Corradino Group Memo authored by Edward Ng, AICP, the author's comments are flawed and in error...In the 2<sup>nd</sup> paragraph: "1.Prior to site plan approval,..... pertaining to AN access point with direct east and west access..." The "AN" is incorrectly referring to **ONE access point**, clearly not the Multiple Access Points referenced in Code Section 24-58.7

2. I am also attaching a portion of the City's Municipal Code Section 24-58.7 which was adopted by the city on March 17, 2015. Sub-Section 24-58.7 (O)(2)(e) states "the developer SHALL be required to provide for MULTIPLE access points with direct east and west access to and from SR 826 and traffic mitigation such that the development does not over burden NE 35<sup>th</sup> Avenue."

Section 24-58.7 (P)(2)(a) calls for a Pre-application Conference to review and address: "Provide a traffic study that shows **Multiple Access Points** with direct East and West Access to and From SR 826 and Traffic Mitigation such that the Development does NOT overburden NE 35<sup>th</sup> Avenue."

The intention of the Code was to create multiple free flow entrance and exit points to the Property, and alleviate a potential increase of traffic on 35th avenue (a primarily residential access road), and provide traffic improvements for east/west traffic on the 826.

➔ Regarding the required Direct Access Points that the developer must provide, the mere fact that they are

proposing additional lanes and 3 NEW entrances on 35<sup>th</sup> Avenue are **OVERBURDONING and cannot be allowed.**

My Definition of OVERBURDONING as it pertains to Dezer's presentation:

a. As proposed SR 826 will have three (3) turn lanes onto NE 35<sup>th</sup> Avenue. This will create a mixed traffic composition, and a large proportion of weaving vehicles making their way into the proposed development. Most vehicles will try to weave from the inside and secondary lanes for the first or second entrance, creating dangerous weaving patterns on 35th avenue, as well as a major disruption of residential traffic into eastern shores. This weave pattern already exists with only 2 turn lanes.

a. Triple turn lanes are usually utilized for ingress onto limited access roadways (highways, causeways, etc.) that allow for quick acceleration and limited decision points. The proposed 35th avenue configuration will have 8 decision points, the first decision point only 200 feet from the end of the turn.

b. Normally, "triple left-turn lanes are appropriate at intersections with high left-turn volumes that cannot be adequately served with a single or double turn lane". FHWA states that a double turn lane should be used for left-turn volumes exceeding 300 vehicles per hour, and a triple turn lane when demand exceeds 600 vehicles per hour. Based on this logic, a triple turn lane would double the amount of traffic being loaded onto 35th avenue → **A CLEAR CASE OF OVERBURDONING.**

→ To summarize, the plans show that multiple access points with direct east and west access to and from SR 826 have NOT been created, and in direct violation of the ordinance have increased ingress/egress points from the existing 2 to 5 to the property along 35th Avenue.

b. The plans denote the creation of a new signalized intersection at what will become 36th Avenue. The distance between the existing 35th avenue signalized intersection and new 36th avenue signalized intersection to be approximately 400 feet. This creates a stopping point closer to the curved section of the west bound approach structure off the Intercoastal Waterway bascule bridge. This increases the potential for collisions and can present sight-distance and operational problems for drivers. A high incidence of accidents, particularly involving

vehicles approaching from the bridge, may be the result of a problem associated with grade and angle. When right turns on red are permitted out of the Property, drivers may have more difficulty judging gaps when turning.

➔ The FHWA states that thought should be given to "the locations of other nearby traffic signals when considering the installation of new traffic signals". Many experts state that even for a minor roadway classification in current and projected urban areas the distance between 2 signalized intersections should be at a minimum ¼ mile (1,320 ft.) - ½ mile (2,640 ft.). The intersection will create addition traffic and congestion along the 826, as well as inadequate space when vehicles queue up at the new 36th avenue signal.

The new proposed 36th avenue signalized interchange will also create a conflict for traffic heading east on the 826 from 35th avenue. Currently traffic has dedication lane separated by plastic delineators creating a safe merge and acceleration area from vehicles heading east on 826. The design would eliminate the safety feature and push east bound vehicles close to the new 36th avenue left turn lane. If the left turn lane is over capacity a potential collision could occur.

#### In Conclusion:

For these reasons, the Developer should modify the Site Plans to accommodate multiple access points with direct east and west access as required, reduce the number of access points along 35th avenue, and remove the proposed triple left turn lane.

**A Traffic Mitigation Plan that De-Incentivizes vehicles from using 35th avenue and creating a traffic burden for residents of Eastern Shores needs to be created.**

*Saul Smukler*

Saul Smukler, P.E.  
3207 NE 168 Street  
North Miami Beach, FL 33160

305-525-9191 (mobile)

**From:** [Scubacatbliss](#)  
**To:** [Cino, Sharon](#); [Parada, Ana C.](#); [Proffitt, Justin](#)  
**Subject:** Re: Public Comment - Intracoastal Mall  
**Date:** Monday, July 13, 2020 6:52:40 PM

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I did not see that my public comment which was submitted on June 8, 2020 at 11:37 a.m. before the first public hearing included in the document for tonight's July 13, 2020 meeting. See your document titled All Public Comment Emails Received Up To 7-13-20 (491pages).pdf

Please make the correction to your document and include my public comment.

Thank you.  
Patricia Bliss  
Property owner, 3660 NE 166 Street, NMB, FL 33160

Sent from my iPad

On Jun 8, 2020, at 12:00 PM, Scubacatbliss <[scubacatbliss@gmail.com](mailto:scubacatbliss@gmail.com)> wrote:

I sent an email with my public comments for tonight's hearing. Please confirm that it will be read into the public record at the meeting.

Thanks,  
Patricia Bliss

Sent from my iPad

Begin forwarded message:

**From:** Scubacatbliss <[scubacatbliss@gmail.com](mailto:scubacatbliss@gmail.com)>  
**Date:** June 8, 2020 at 11:37:08 AM EDT  
**To:** "NMBCOMDEV@citynmb.com"  
<[NMBCOMDEV@CITYNMB.COM](mailto:NMBCOMDEV@CITYNMB.COM)>  
**Subject: Public Comment - Intracoastal Mall**

Here's comments-questions on the Dezer Intracoastal Mall Project.

I'm concerned about (1) ability to remove the food supermarket, (2) boat dockage in N3 area along NE 165<sup>th</sup>/166<sup>th</sup> street canal, and (3) the agreement's term length.

1. I oppose Residential Use as an equivalent substitution for Supermarket (**Term Sheet Section 3.b.**) This allows the creation of a



food desert on the City's east side. Supermarkets in Sunny Isles and Aventura are not the same as a local neighborhood food store. The supermarket should remain a requirement.

2. **Section 3.f.iv.** states "waterfront promenade" is accessible to the public and extends "along the entire northern and eastern site boundary". **Document L-208** showing N3 area has large vessels/marina pictured. It's not a waterfront park if one cannot see the water. Provide guidance on N3 promenade uses/restrictions. Does Project allow boat dockage in the NE 165<sup>th</sup>/166<sup>th</sup> street canal? If yes, what limitations (non-commercial; length, width, height)? Are marina facilities allowed?

I request restrictive covenant placed on the NE 165<sup>th</sup>/166<sup>th</sup> street canal which prohibits dockage of any vessels along the northern boundary of N3 area be added. Limit all dockage, marina, and commercial rentals to the eastern boundary (which already has similar uses) and the proposed interior canal.

3. The agreement should be 20-years, not 30 (**Section 21.2.**) The agreement is renewable and developer rights transferable. Incentives should expire if the Project is not built today. The \$11 million tax forecast is achieved only after total buildout in 10 years. The real estate projection, vacancy, and occupancy rates appear generous given the economy's uncertainty and instability due to COVID-19. State-shared revenue, sales taxes, interfund transfers, and intergovernmental revenues are adversely impacted across Florida. Sunset agreement to motivate developer action.

Patricia Bliss  
Property Owner 3660 NE 166th Street, NMB

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Randy Rose 3750 NE 169<sup>th</sup> Street # 111

I have owned properties in Eastern Shores since 1987. I have been selling real estate in the area for over 40 years. I have been for Development within Reason. Reference to the Intracoastal Mall. Past and Present Owners of the Mall knew as a prerequisite a Texas U turn , under the 163<sup>rd</sup> St Bridge is a Prerequisite & Priority for major redevelopment of the Mall and all concerns for all who travel in all directions .

Since representation is being made that our infrastructures for water –sewers –drainage –traffic, etc. can handle Future Development , Now is the time to put in a Formal Request to the City of North Miami Beach to increase the Residential Zoning Height requirements which( currently is ONLY 4 stories) for Eastern Shores east of 35<sup>th</sup> Ave from 166<sup>th</sup> Street to 171<sup>st</sup> Street to at least 20 stories on canal locations to possible 40 stories on the intracoastal property locations . This is the RIGHT thing to do now . Back in the 1970's 20 stories was allowed (the RE Market was not ready) at that time .

Plan for the future today increase the City and County Tax Base and give the rest of the Eastern Shores Area the Opportunities it deserves . NMB . these ZOOM MEETINGS is not the proper time or way to have Have a Major Discussions or any Decision like this . It Needs to be held in Person Face to Face Open to the Public .

**From:** [Bruce Lamberto](#)  
**To:** [Proffitt, Justin](#)  
**Subject:** Re: U turn  
**Date:** Tuesday, July 14, 2020 7:35:03 PM  
**Attachments:** [image005.png](#)  
[image004.png](#)  
[image006.png](#)  
[image003.png](#)

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Justin

The applicant looked into the cost of putting the u turn under the bridge and decided it was too expensive to pursue. You took his word for it that it was not feasible. I spoke with FDOT about it and they stated it could be looked at as an alternate to what the applicant submitted (traffic light).

The U turn concept could allow multiple driveways onto the site...that's what I was trying to state in my previous email.

You should have Kimley Horn look at the U turn and tell them this is an option you want them to study. Certainly it will be a much more expensive option that the developer will cringe at but since we gave them "free" upzoned land to build an additional 1331 units and a 250 unit hotel, there should be plenty of profit in the free-bee to allow the developer to pay for it.

This options is the least impactful on ES.

One more thing....how is it that you gave staff recommendation to the project without ever holding a town meeting (pre-covid) sending out any neighborhood surveys, or requesting resident comments prior to your project recommendation? I'd really like to hear your answer on this.

Last time I checked, government is supposed to be by the people and for the people....not by the developer and for the developer....

Regards  
Bruce Lamberto  
786 367 7072

-----Original Message-----

From: Proffitt, Justin <Justin.Proffitt@citynmb.com>  
To: Lamberto, Bruce <blamberto@aol.com>  
Sent: Tue, Jul 14, 2020 3:12 pm  
Subject: RE: U turn

Hello Bruce,

I am not sure I exactly follow what you are saying, but it sounds like one of the alternatives the applicant looked at and presented the other night with the exception of the flyover.

If you would like to talk on the phone about it let me know.

Thanks,

**Justin Proffitt, AICP**  
Community Development Director  
City of North Miami Beach



Community Development Department  
T (305) 354-4456, ext. 4456

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17050 NE 19<sup>th</sup> Avenue, North Miami Beach, FL 33162 | [www.citynmb.com](http://www.citynmb.com) | City NMB on Social  
Media:

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**From:** Bruce Lamberto <blamberto@aol.com>  
**Sent:** Monday, July 13, 2020 9:49 PM  
**To:** Proffitt, Justin <Justin.Proffitt@citynmb.com>  
**Subject:** U turn

Justin...why cant tge u turn follow the path of the flyover slide and the u turn slide...providing two driveway exits?

The exiting of the property can be handled by extending the service road to 36th avenue and motorists can make a u turn to go east just as they do when they leave the Outback RK Plaza ...left lane on service road...the green arrow protected light allows a U turn to be made.

Comments please...

Regards

Bruce Lamberto  
786 367 7072 cell

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