

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH TO REPLACE ALL INSTANCES OF THE TERM "SPECIAL MASTER" THROUGHOUT THE CODE WITH THE TERM "SPECIAL MAGISTRATE," TO BE CONSISTENT WITH CHAPTER 162 OF THE FLORIDA STATUTES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Code of Law and Ordinances are issued by the City's regulatory departments, and are heard by the City's Chief Special Master and his appointed Special Masters; and

WHEREAS, Chapter 162 of the Florida Statutes governs the ability of municipalities and local governments to create administrative boards with authority to impose administrative fines and other noncriminal penalties; and

WHEREAS, Section 162.03 of the Florida Statutes provides that a charter county, a non-charter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances; and

WHEREAS, the City's alternate code enforcement system is codified in Chapter 30 of the City Code, entitled "Code Enforcement"; and

WHEREAS, persons appointed by the City Commission to enforce the City Code are referred to as "special masters" throughout Chapter 30 and other provisions of the City Code; and

WHEREAS, on the recommendation of the City Attorney's Office, the City Commission has determined that the term "special master" should be amended and replaced throughout the entire City Code with the term "special magistrate," to be consistent with Section 162.03 of the Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. All instances of the term "special master" found in the Code of the City of Miami Beach are to be replaced with "special magistrate" throughout the City Code.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made

part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2021.

PASSED AND ADOPTED this ____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor Michael Gongora)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney FA

6-11-21

Date