

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED “CODE ENFORCEMENT,” BY AMENDING SECTION 30-36 THEREOF, ENTITLED “APPOINTMENT OF CHIEF SPECIAL MAGISTRATE,” TO AUTHORIZE THE CITY COMMISSION TO RATIFY THE APPOINTMENT OF SPECIAL MAGISTRATES, AND TO ESTABLISH A CITY OF MIAMI BEACH RESIDENT PREFERENCE FOR CANDIDATES SEEKING APPOINTMENT AS THE CHIEF SPECIAL MAGISTRATE, OR AS A SPECIAL MAGISTRATE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach (the “City”) are charged with protecting the public health, safety, and welfare of the residents and visitors of the City; and

WHEREAS, Special Magistrates serve to expeditiously and economically adjudicate violations of the City of Miami Beach’s Code of Laws and Ordinances (the “City Code”); and

WHEREAS, recent observations and complaints by City residents and others have prompted certain necessary modifications to the Special Magistrate process; and

WHEREAS, the amendments set forth in this Ordinance are necessary to accomplish all of the above objectives.

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

SECTION 1. That Section 30-36 of Article II of Chapter 30 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 30
CODE ENFORCEMENT**

* * *

ARTICLE II. SPECIAL MAGISTRATES

Sec. 30-36. – Appointment of ~~chief~~-special magistrates.

- (a) Upon prior recommendation of the city manager, the city commission by a majority vote may appoint a chief special magistrate, who shall be authorized to hold hearings and impose fines, liens and other noncriminal penalties against violators of city or county codes and ordinances. The chief special magistrate shall be an individual who shall have been determined by the city manager and city attorney to have the knowledge, skills and abilities to perform as chief special magistrate. The chief special magistrate shall also be authorized to appoint, upon ratification by a majority vote of the city commission, such other special magistrates as may reasonably be required to conduct the necessary

hearings. Each special magistrate appointed shall have the knowledge, skills and abilities to perform as a special magistrates.

(b) Upon consideration of candidates for appointment as the chief special magistrate, or as a special magistrate, preference shall be given to residents of the City of Miami Beach.

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SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2022.

PASSED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Steven Meiner, Vice-Mayor Alex J. Fernandez, and Commissioner Kristen Rosen Gonzalez)