

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA RELATING TO SPECIAL MAGISTRATE HEARINGS INVOLVING PROPERTIES WITH MULTIPLE FOLIOS, AND DIRECTING THE CITY CLERK AND ADMINISTRATION, FOR THOSE PROPERTIES THAT HAVE MULTIPLE FOLIO NUMBERS, TO POST A NOTICE OF HEARING AT THE SUBJECT PROPERTIES AT LEAST TEN (10) DAYS PRIOR TO THE SCHEDULED HEARING, IN ADDITION TO THE NOTICE PROVIDED VIA CERTIFIED MAIL PURSUANT TO SECTION 162.12, FLORIDA STATUTES, IN ORDER TO REDUCE DELAYS ASSOCIATED WITH THE SPECIAL MAGISTRATE'S CONTINUANCE OF HEARINGS DUE TO INSUFFICIENT SERVICE.

WHEREAS, section 162.12, Florida Statutes provides for alternative methods for providing notice to the alleged violator by either certified mail to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database; and

WHEREAS, for property owned by a corporation, notice may be sent by certified mail to the registered agent of the corporation; and

WHEREAS, section 162.12(1)(a), Florida Statutes further provides that if notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting a notice of hearing at the subject property, at least 10 days prior to the hearing; and

WHEREAS, the posting of the notice of hearing, and the filing of the confirmation of posting by the code compliance officer or inspector prior to the scheduled hearing, is the strongest form of notice that may be provided under applicable law; and

WHEREAS, there are numerous properties within the City that have not been unified by either a Unity of Title or a Covenant in Lieu of a Unity of Title, and each parcel maintains its own folio number as assigned by the tax collector's office; and

WHEREAS, properties with multiple folios are often owned by different entities, individual or corporate; and

WHEREAS, the operation and ownership of properties consisting of multiple folios often creates notice issues for purposes of scheduling special magistrate hearings, resulting in cases being continued by the special magistrates due to a claim that service to the respective address listed for the relevant folios was not provided; and

WHEREAS, the Mayor and City Commission desire to direct the City Clerk and City Administration to post a notice of hearing consistent with this Resolution, as it is in

the City's best interests to reduce continuances of special magistrate cases, and to resolve code violation matters as expeditiously as possible.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby direct the City Clerk and Administration, for those properties that have multiple folio numbers, to post a Notice of Hearing at the subject properties at least ten (10) days prior to the scheduled hearing, in addition to notice provided via certified mail pursuant to Section 162.12, Florida Statutes, in order to reduce delays associated with the Special Magistrate's continuance of hearings due to insufficient service.

PASSED and **ADOPTED** this ____ day of _____, 2024.

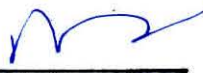
ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *SM*

1-17-24

Date