

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION AND CITY CLERK TO IDENTIFY A PROCESS FOR COLLECTING, TRACKING, AND REPORTING DATA FROM SPECIAL MAGISTRATE HEARINGS, BY CATEGORY OF VIOLATIONS, INCLUDING, WITHOUT LIMITATION, TIME PERIODS FOR DISPOSITION OF CASES, FINES ASSESSED, AND PERCENTAGE RATES FOR DISMISSALS AND ADJUDICATIONS.

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

WHEREAS, violations under the City Code are issued by the City's regulatory departments, including the Building Department, Fire Prevention, Code Compliance, and the Parking Department, and appeals thereof are heard by the City's Chief Special Magistrate and his appointed Special Magistrates; and

WHEREAS, many Special Magistrate proceedings involve appeals of violations of standards of conduct for sidewalk cafes and businesses, unlawful short-term rentals or use of City property without a permit, and other offenses which exist to enhance the quality of life of residents and visitors; and

WHEREAS, it would be beneficial for the City Commission to be able review, evaluate, and monitor the enforcement, impact, and success of its legislative efforts, in order to assist the City Commission in performing its function; and

WHEREAS, statistics concerning the initiation and final dispositions of violations issued by the City's regulatory departments and appealed to the Special Magistrate would assist the City Commission in identifying policies and resources that can be utilized to mitigate the City's concerns with quality of life, as well as ascertaining the effectiveness of the legislation enforced by the City's regulatory departments; and

WHEREAS, in furtherance thereof, the Mayor and City Commission desire to direct the Administration and the City Clerk to identify a process for collecting, tracking, and reporting data from Special Magistrate hearings, including, but not limited, to the following: nature of the appealed violations, fines assessed, time periods for disposition of the appealed violation, and rates of dismissals and adjudications of the appealed violations, and report back to the City Commission on its data collection efforts and process, not later than the October 27, 2021 City Commission meeting.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration to identify a process for collecting, tracking, and reporting data from Special Magistrate hearings, by category of violations, including, without limitation, time periods for disposition of cases, fines assessed, and percentage rates for dismissals and adjudications.

PASSED and **ADOPTED** this ____ day of September, 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner)