R5 E AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30, ENTITLED “CODE ENFORCEMENT,” BY AMENDING ARTICLE III THEREOF, ENTITLED “ENFORCEMENT PROCEDURE,” BY AMENDING SECTION 30-76, ENTITLED “REHEARINGS; MITIGATION,” TO CREATE A CODE ENFORCEMENT COMPLIANCE INCENTIVE PROGRAM FOR OWNERS OF SINGLE-FAMILY HOMES CURRENTLY REGISTERED FOR HOMESTEAD STATUS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

9:25 a.m. First Reading Public Hearing

Applicable Area: Citywide

City Attorney

Commissioner Alex Fernandez

Not reached on 10/14/2026 - R5 G; Not reached on 9/10/2026 - R5 H

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 18, 2026 9:25 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE III THEREOF, ENTITLED "ENFORCEMENT PROCEDURE," BY AMENDING SECTION 30-76, ENTITLED "REHEARINGS; MITIGATION," TO CREATE A CODE ENFORCEMENT COMPLIANCE INCENTIVE PROGRAM FOR OWNERS OF SINGLE-FAMILY HOMES CURRENTLY REGISTERED FOR HOMESTEAD STATUS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

This proposed ordinance is presented on behalf of the sponsor, Vice-Mayor Alex J. Fernandez.

The code enforcement procedures adopted in Chapter 30 of the Miami Beach City Code provide necessary regulations, fines, and penalties for the violation of the City Code.

Under certain circumstances, the mitigation of fines after the correction and compliance with code requirements is warranted and equitable.

Owners of single-family homes registered for homestead status are often long-term residents who contribute to the stability and vitality of the City.

The Code Enforcement Compliance Incentive Program is intended to encourage timely compliance with municipal codes by offering financial incentives to homestead property owners, thereby promoting neighborhood preservation and public safety.

Providing incentives for code compliance supports the City's goal of maintaining high standards for property maintenance and reducing the incidence of blight and deterioration in residential areas.

The sponsor seeks to balance enforcement with fairness by recognizing the unique circumstances of homestead property owners and offering opportunities for remediation and compliance.

The implementation of the Compliance Incentive Program is expected to enhance voluntary compliance, reduce administrative burdens, and foster positive relationships between the City and its residents.

If adopted, the proposed ordinance would direct the City's special magistrates to reduce many fines to zero upon proof of compliance by the homeowner. The program created by the ordinance excludes violations involving noise, short-term rentals, commercial use of residential property, large-scale residential parties, or violations arising from a seawall, bulkhead, living shoreline, or other shoreline protection structure that allows tidal waters to flow onto or otherwise impact an adjacent property or public right-of-way. It also does not permit reduction or removal of City expenses billed to the homeowner to bring the property into compliance.

FISCAL IMPACT STATEMENT

The administration should be prepared to discuss the fiscal impact of this proposed ordinance.

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/

Does this Agenda Item support the Strategic Plan?:

Yes

If so, specify what Objective(s):

VC 3: Pursue "World Class" exceptional projects and programs

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?	**Is this item related to a G.O. Bond Project?**
No	No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

NR- 9:25 a.m. 1st Rdg, Code Enforcement Compliance Incentive Program. (Fernandez) CA

Previous Action (For City Clerk Use Only)

Not reached on 10/14/2026 - R5 G; Not reached on 9/10/2026 - R5 H

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 30, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE III THEREOF, ENTITLED "ENFORCEMENT PROCEDURE," BY AMENDING SECTION 30-76, ENTITLED "REHEARINGS; MITIGATION," TO CREATE A CODE ENFORCEMENT COMPLIANCE INCENTIVE PROGRAM FOR OWNERS OF SINGLE-FAMILY HOMES CURRENTLY REGISTERED FOR HOMESTEAD STATUS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the code enforcement procedures adopted in Chapter 30 of the Miami Beach City Code provide necessary regulations, fines, and penalties for the violation of the City Code; and

WHEREAS, under certain circumstances, the mitigation of fines after the correction and compliance with code requirements is warranted and equitable; and

WHEREAS, the City recognizes that owners of single-family homes registered for homestead status are often long-term residents who contribute to the stability and vitality of the community; and

WHEREAS, the Code Enforcement Compliance Incentive Program is intended to encourage timely compliance with municipal codes by offering financial incentives to homestead property owners, thereby promoting neighborhood preservation and public safety; and

WHEREAS, providing incentives for code compliance supports the City's goal of maintaining high standards for property maintenance and reducing the incidence of blight and deterioration in residential areas; and

WHEREAS, the City seeks to balance enforcement with fairness by recognizing the unique circumstances of homestead property owners and offering opportunities for remediation and compliance; and

WHEREAS, the implementation of the Compliance Incentive Program is expected to enhance voluntary compliance, reduce administrative burdens, and foster positive relationships between the City and its residents.

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

SECTION 1. That Section 30-76, entitled "Rehearings; mitigation" of Article III, entitled "Enforcement Procedure," of Chapter 30, entitled "Code Enforcement," of the Miami Beach City Code is hereby amended as follows:

CHAPTER 30
CODE ENFORCEMENT

* * *

Article III. Enforcement Procedure

* * *

Sec. 30-76. Rehearings; mitigation; code enforcement compliance incentive program.

(a) Rehearings. Upon filing of a petition for rehearing by a violator or by the city administration, a special magistrate may rehear a case, take additional testimony and issue a new order. The petition must be filed with the clerk of the special magistrate and must demonstrate that there is newly discovered evidence that could not have been discovered through the use of due diligence prior to the original hearing and that will probably change the result if a rehearing is granted, or the special magistrate has overlooked or failed to consider something which renders the order issued erroneous. A petition for rehearing must be filed within 30 days of the filing of the last order issued in the case.

(b) Mitigation. All applications for mitigation shall be made in writing and under oath.

No applications for mitigation shall be considered until an affidavit of compliance has been filed by a city inspector. A petition for relief from order shall be brought within one year. A petition for mitigation shall be brought within three years after the filing of an affidavit of compliance with the clerk of the special magistrate and is subject to the following mitigation criteria:

(1) The gravity of the violation;
(2) The promptness of compliance;
(3) The good faith actions taken to correct the violation; and
(4) The amount of equity in the property relative to the amount of the lien.

(c) Code enforcement compliance incentive program. In addition to the potential relief provided in subsection (b), an owner of a single-family residential property that is receiving a homestead exemption pursuant to applicable law may be eligible for additional relief from city code enforcement fines and liens pursuant to the Code Enforcement Compliance Incentive Program, subject to the following:

(1) Eligible violations. All city code violations shall be eligible for relief under this subsection, except violations involving noise, short-term

rentals, commercial use of residential property, large-scale residential parties, or violations arising from a seawall, bulkhead, living shoreline, or other shoreline protection structure that allows tidal waters to flow onto or otherwise impact an adjacent property or public right-of-way.

(2) Authority of special magistrate. Upon determining that a violation is eligible for relief under this subsection and that the requirements of this subsection have been satisfied, the special magistrate shall waive all accrued fines associated with the eligible violation, and the amount of such fines shall be reduced to zero dollars ($0.00).

(3) Three-strike limitation. An eligible property owner may receive relief under this subsection for no more than one occurrence of any individual eligible city code violation, with a maximum of three eligible city code violations receiving relief during the owner's participation in the program.

(4) Property acquired with lien. An owner who acquires a single-family residential property that is receiving a homestead exemption and is subject to an outstanding city code enforcement fine or lien imposed by a special magistrate may apply for relief under this subsection, regardless of whether the violation or lien was incurred prior to the owner's acquisition of the property.

(5) Compliance required. Relief under this subsection shall not be granted unless the violation giving rise to the fine or lien has been corrected and an affidavit of compliance has been filed by a city inspector with the clerk of the special magistrate.

(6) Scope. Relief under this subsection shall apply only to eligible city code enforcement fines and shall not include or waive any costs incurred by the city in correcting, abating, remediating, or otherwise addressing the violation, including costs incurred by the city to perform work on or relating to the property. Such costs shall remain the responsibility of the property owner and shall be collected in accordance with applicable law.

~~(c)~~(d) Mitigation may not be used for the purpose of rehearing or appeal of the original order imposing the fine.

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, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

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 a 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 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2026.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions
~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____ 8/24/2026
City Attorney RR Date