R5 Y AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, BY A 5/7THS VOTE, CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 3, ENTITLED "CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN," BY AMENDING SECTION 106-103, ENTITLED "ENFORCEMENT," TO AMEND FINES TO COMPLY WITH STATE LAW AND TO ADD ADDITIONAL NONMONETARY PENALTIES; AND TO REPEAL SECTION 106-104 "REVOCATION OF PERMITS AND OTHER PENALTIES"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

10:55 a.m. First Reading Public Hearing

Applicable Area: Citywide

City Attorney

Commissioner Alex Fernandez

Commissioner Tanya K. Bhatt

Supplemental updated on 11/17/2026 (Revised Memorandum and Revised Ordinance)

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 18, 2026 10:55 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, BY A 5/7THS VOTE, CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 3, ENTITLED "CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN," BY AMENDING SECTION 106-103, ENTITLED "ENFORCEMENT," TO AMEND FINES TO COMPLY WITH STATE LAW AND TO ADD ADDITIONAL NONMONETARY PENALTIES; AND TO REPEAL SECTION 106-104 "REVOCATION OF PERMITS AND OTHER PENALTIES,"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

Section 106-103 of the City Code establishes enforcement procedures and penalties for violations of the City's Construction Parking and Traffic Management Plan requirements.

Section 162.09(2)(d), Florida Statutes, authorizes a municipality having a population of 50,000 or more, upon approval by at least a majority plus one of the entire governing body, to authorize its code enforcement board or special magistrate to impose fines not exceeding $1,000 per day per violation for a first violation, $5,000 per day per violation for a repeat violation, and $15,000 per violation for a violation found to be irreparable or irreversible in nature.

The existing monetary penalties in Section 106-103 exceed the applicable maximum fines authorized by Section 162.09(2)(d), Florida Statutes, and should therefore be revised to conform to State law.

Monetary penalties alone may not provide sufficient deterrent to repeated violations of the City's construction parking and traffic management plan requirements, particularly when noncompliance continues to adversely affect traffic circulation, parking availability, pedestrian access, public safety, or the surrounding community.

The sponsor of this ordinance desires to strengthen compliance by supplementing the revised monetary penalties with appropriate nonmonetary enforcement measures, including progressively longer stop-work orders for second and subsequent offenses.

The sponsor of this ordinance asserts that the revised fine structure and additional non-monetary penalties established by this Ordinance will provide a more effective and proportionate enforcement framework, promote compliance with the City's Construction Parking and Traffic Management Plan requirements, and further protect the public health, safety, and welfare.

FISCAL IMPACT STATEMENT

N/A

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?: N/A

If so, specify what Objective(s):

N/A

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)

Commissioner Tanya K. Bhatt

Condensed Title

10:55 a.m. 1st Rdg, Construction Parking & Traffic Management Plan Violations. (AF/TB) CA

Previous Action (For City Clerk Use Only)

Click or tap here to enter text.

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 18, 2026

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, BY A 5/7THS VOTE, CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 3, ENTITLED "CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN," BY AMENDING SECTION 106-103, ENTITLED "ENFORCEMENT," TO AMEND FINES TO COMPLY WITH STATE LAW AND TO ADD ADDITIONAL NONMONETARY PENALTIES; AND TO REPEAL SECTION 106-104 "REVOCATION OF PERMITS AND OTHER PENALTIES,"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

Section 106-103 of the City Code establishes enforcement procedures and penalties for violations of the City's Construction Parking and Traffic Management Plan requirements.

Section 162.09(2)(d), Florida Statutes, authorizes a municipality having a population of 50,000 or more, upon approval by at least a majority plus one of the entire governing body, to authorize its code enforcement board or special magistrate to impose fines not exceeding $1,000 per day per violation for a first violation, $5,000 per day per violation for a repeat violation, and $15,000 per violation for a violation found to be irreparable or irreversible in nature.

The existing monetary penalties in Section 106-103 exceed the applicable maximum fines authorized by Section 162.09(2)(d), Florida Statutes, and should therefore be revised to conform to State law.

The additional penalties set forth in Section 106-104 also exceed the City's authority to enforce.

Monetary penalties alone may not provide sufficient deterrent to repeated violations of the City's construction parking and traffic management plan requirements,

particularly when noncompliance continues to adversely affect traffic circulation, parking availability, pedestrian access, public safety, or the surrounding community.

The sponsor desires to strengthen compliance by supplementing the revised monetary penalties with appropriate nonmonetary enforcement measures, including progressively longer stop-work orders for second and subsequent offenses creating public safety or Florida Building Code violations.

The sponsor contends that the revised fine structure and additional non-monetary penalties established by this Ordinance will provide a more effective and proportionate enforcement framework, promote compliance with the City's Construction Parking and Traffic Management Plan requirements, and further protect the public health, safety, and welfare.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?
(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/

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

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)

Vice-Mayor Alex J. Fernandez

Co-sponsor(s)

Condensed Title

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Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, BY A 5/7THS VOTE, CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 3, ENTITLED "CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN," BY AMENDING SECTION 106-103, ENTITLED "ENFORCEMENT," TO AMEND FINES TO COMPLY WITH STATE LAW AND TO ADD ADDITIONAL NONMONETARY PENALTIES; AND TO REPEAL SECTION 106-104 "REVOCATION OF PERMITS AND OTHER PENALTIES,"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 106-103 of the City Code establishes enforcement procedures and penalties for violations of the City's Construction Parking and Traffic Management Plan requirements; and

WHEREAS, Section 162.09(2)(d), Florida Statutes, authorizes a municipality having a population of 50,000 or more, upon approval by at least a majority plus one of the entire governing body, to authorize its code enforcement board or special magistrate to impose fines not exceeding $1,000 per day per violation for a first violation, $5,000 per day per violation for a repeat violation, and $15,000 per violation for a violation found to be irreparable or irreversible in nature; and

WHEREAS, the existing monetary penalties in Section 106-103 exceed the applicable maximum fines authorized by Section 162.09(2)(d), Florida Statutes, and should therefore be revised to conform to State law; and

WHEREAS, the additional penalties set forth in Section 106-104 also exceed the City's authority to enforce; and

WHEREAS, monetary penalties alone may not provide sufficient deterrent to repeated violations of the City's construction parking and traffic management plan requirements, particularly when noncompliance continues to adversely affect traffic circulation, parking availability, pedestrian access, public safety, or the surrounding community; and

WHEREAS, the Mayor and City Commission desire to strengthen compliance by supplementing the revised monetary penalties with appropriate nonmonetary enforcement measures, including progressively longer stop-work orders for second and subsequent offenses creating public safety or Florida Building Code violations; and

WHEREAS, the Mayor and City Commission find that the revised fine structure and additional non-monetary penalties established by this Ordinance will provide a more effective and proportionate enforcement framework, promote compliance with the City's Construction Parking and Traffic Management Plan requirements, and further protect the public health, safety, and welfare.

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

SECTION 1. That Chapter 106 of the Miami Beach City Code entitled "Traffic and Vehicles," Article II, entitled "Metered Parking," Division 3, entitled "Construction Parking and Traffic Management Plan," at Section 106-103, entitled "Enforcement," is hereby amended as follows:

CHAPTER 106
TRAFFIC AND VEHICLES

* * *

ARTICLE II. METERED PARKING

* * *

DIVISION 3. CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN

* * *

Sec. 106-103. Enforcement.

(1) A city code ~~inspector~~ compliance officer may issue a citation for a violation of this chapter. Enforcement shall be through chapter 30 of the City~~'s~~ Code. ~~A~~ For purposes of this section, a city code ~~inspector~~ compliance officer ~~means~~ shall include the code compliance officers, parking department employees, a parking enforcement specialist, or any authorized agent or employee of the city whose duty it is to assure code compliance.

(2) All violations of this chapter are civil infractions. Each violation of this ~~chapter~~ division on a property in connection with a construction project that is subject to this division shall constitute a separate offense. A violation may be issued to a property owner, tenant, and/or contractor. Violations of this ~~chapter~~ division will be ~~punished as follows~~ subject to the following civil fines and penalties:

(a) For a first offense: A $1~~5~~,000.00 fine per violation, per day, ~~issued to both contractor and property owner/tenant~~ for as long as the violation remains uncured.

(b) For ~~a second~~ subsequent offense(s): A $5~~10~~,000.00 fine per day, ~~issued to both contractor and property owner/tenant~~ for as long as the violation remains uncured.

(c) For an ~~third~~ offense that the special magistrate finds to be irreparable or irreversible in nature, a~~: A~~ $15,000.00 fine may be issued ~~to both contractor and property owner/tenant~~.

(d) For each ~~additional/subsequent~~ offense that the building official determines to be contrary to the provisions of the Florida Building Code or dangerous or unsafe, the building official is authorized to issue a stop work order. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. ~~:~~ A The stop work order will not be lifted by the building official until the property has been determined to be in full compliance with the provisions of this division and the CMP. Prior to work restarting on the property, the owner, tenant (if applicable), and contractor of record must first confirm in writing that they have read and will comply with the approved CMP for the project. ~~one-day stop work order issued by the city's building official.~~

(e) For purposes of this section, an offense shall be deemed to have occurred on the date that the violation occurred.

(f) The failure of any person to pay the appropriate fine within the time allowed or to appeal the violation shall constitute a waiver of the right to an administrative hearing before the special magistrate and fines may be ~~accessed~~ assessed accordingly.

(g) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that which remains unpaid, the city may foreclose or otherwise execute upon the lien.

SECTION 2. That Chapter 106 of the Miami Beach City Code entitled "Traffic and Vehicles," Article II, entitled "Metered Parking," Division 3, entitled "Construction Parking and Traffic Management Plan," at Section 106-104, entitled "Revocation of permits and other penalties," is hereby amended as follows:

CHAPTER 106
TRAFFIC AND VEHICLES

* * *

ARTICLE II. METERED PARKING

* * *

DIVISION 3. CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN

* * *

~~**Sec. 106-104. Revocation of permits and other penalties.**~~

~~Any contractor, subcontractor, property owner or tenant who has obtained a valid citation under section 106-103, and who has failed to pay the fine, and failed to cure the violation, shall have the building permit revoked. Failure to comply shall subject such participant to enforcement~~

~~procedures by the city and may result in fines of up to an additional $500.00, per day, and liens as provided by law.~~

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. 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 Miami Beach City Code. 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 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days after approval.

PASSED and ADOPTED this _____ day of _____, 2026.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Vice-Mayor Alex J. Fernandez)

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

Nick Kallergis 11/17/2026
City Attorney Date