



MIAMI BEACH

NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE MEETING

SUPPLEMENTAL MATERIAL

CITY MANAGER'S LARGE CONFERENCE ROOM, 4TH FLOOR, CITY HALL

MARCH 18, 2013 3:00PM

Neighborhood/Community Affairs Committee
Commissioner Edward L. Tobin, Chairperson
Commissioner Jerry Libbin, Vice-Chairperson
Commissioner Jorge Exposito, Member
Commissioner Jonah Wolfson, Alternate

ADDENDUM MATERIAL

**Discussion Regarding Amending Procedures For Appeals To The Special Master For
Certain Frequent Code Enforcement Violations.**

Commission Item C4B, February 6, 2013

(Requested by City Attorney's Office)

Jose Smith, City Attorney

c: Mayor and Members of the City Commission
Jose Smith, City Attorney
Duncan Ballantyne, Assistant City Manager
Jorge Gomez, Assistant City Manager
Max Sklar, Acting Assistant City Manager
Rafael E. Granado, City Clerk
Stephen Scott, Building Department Director
Hernan Cardeno, Code Compliance Division Commander
Barbara Hawayek, Customer Service Manager
Carla Gomez, Special Projects Administrator



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMITTEE MEMORANDUM

**TO: MEMBERS OF THE LAND USE AND DEVELOPMENT COMMITTEE
INTERIM CITY MANAGER KATHIE BROOKS**

**FROM: JOSE SMITH
CITY ATTORNEY**

DATE: March 18, 2013

**SUBJECT: Ordinance Amendments Regarding Procedures for Appeals to the
Special Master for Certain Frequent Code Enforcement Violations.**

To ensure uniformity, consistency, and transparency in appeals to the Special Master from code violations relating to noise, property maintenance, handbills, litter, and other frequently recurring code violations, the City Attorney recommends that the City Code be amended to provide for a standard notice of appeal form, as is required for appeals under the Florida Rules of Appellate Procedure. Therefore, I have recommended that this matter be referred to the Neighborhood/Community Affairs Committee and it was referred to this Committee by the City Commission on February 6, 2013.

Currently, City Code provisions for the appeal of code violations are varied and do not uniformly refer to a standard notice of appeal form. For example, appeals of a noise violation are stated to as follows:

Sec. 46-159(b)(2). File a written request for an administrative hearing before a special master to appeal the decision of the code inspector that resulted in the issuance of the notice of violation.

An appeal of a litter or handbill violation is stated as follows:

Sec. 46-92(m)(1)(b). Request an administrative hearing before a special master...to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation.

Attached hereto, for discussion, is a proposed uniform Notice of Appeal form that I recommend be specifically referenced in the City Code. In addition, I recommend that City Code language regarding certain frequently recurring code violations be amended to provide consistency relative to the filing of appeals to the Special Master.

JS/DT/mmd

**BEFORE THE SPECIAL MASTER
CITY OF MIAMI BEACH, FLORIDA**

Code Compliance Case No.: _____

Appellant,

v.

NOTICE OF APPEAL

CITY OF MIAMI BEACH,

Appellee.
_____ /

NOTICE IS GIVEN that _____ /Appellant, appeals to the Special Master for the City of Miami Beach, Florida the Notice of Violation issued on _____ (date). A copy of the Notice of Violation is attached hereto. The \$100.00 Appeal fee is submitted with this Notice of Appeal.

Respectfully submitted,

Name (Print) _____

Signature: _____

Address: _____

Phone: _____

If submitted by an attorney:

Attorney for Appellant: _____

Address: _____

Phone: _____

E-mail: _____

Florida Bar No.: _____

Signature: _____