



**AGENDA ITEM COVER PAGE**

**File ID: #16311**

**Ordinance**

**Sponsored by: Miguel Gabela, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE X/SECTION 2-817 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "ADMINISTRATION/CODE ENFORCEMENT/ADMINISTRATIVE COSTS, FINES; LIENS," TO AMEND SECTION 2-817 OF THE CITY CODE IN ORDER TO STREAMLINE THE MITIGATION PROCESS AND PROVIDE A CLARIFYING CHART FOR THOSE WHO SEEK MITIGATION; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.



**City of Miami**  
**Legislation**  
**Ordinance**

**Enactment Number: 14319**

**File Number: 16311**

**Final Action Date:** 10/15/2024

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE X/SECTION 2-817 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "ADMINISTRATION/CODE ENFORCEMENT/ADMINISTRATIVE COSTS, FINES; LIENS," TO AMEND SECTION 2-817 OF THE CITY CODE IN ORDER TO STREAMLINE THE MITIGATION PROCESS AND PROVIDE A CLARIFYING CHART FOR THOSE WHO SEEK MITIGATION; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Section 2-817(d) of the Code of the City of Miami, Florida, as amended ("City Code"), provides guidance for the Code Enforcement Board ("CEB") or Special Magistrate when a property owner is seeking mitigation of a lien for complied violations; and

WHEREAS, Section 2-817(d) of the City Code also provides the City of Miami ("City") to administratively mitigate liens, by certain percentages, if the lien has been running for less than two hundred seventy-one (271) days; and

WHEREAS, on a regular basis, property owners have allowed the outstanding liens to remain open for many years after compliance was reached due to failure to contact the Code Compliance Department or other issuing Department that the violation was complied; and

WHEREAS, it is the goal of the City to incentivize properties to come into compliance, assure that fines are timely paid, and properties are cleared of any outstanding violations; and

WHEREAS, diligent property owners should receive a benefit for being timely and efficient with correcting violations; and

WHEREAS, it is the goal of the City to have a streamlined and easy to understand mitigation process for both current and pending owners where properties have outstanding fines or liens pending; and

WHEREAS, it is a further goal of the City to provide a method to allow for certainty to foster development, allowing property owners to calculate the cost into future projects; and

WHEREAS, the City Commission believes the amendment will be beneficial to current and future property owners by providing a more orderly and streamlined process for mitigation;

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 2 of the City Code is amended in the follow particulars:<sup>1</sup>

“CHAPTER 2

ADMINISTRATION

\* \* \*

ARTICLE X. CODE ENFORCEMENT

\* \* \*

Sec. 2-817. Administrative costs, fines; liens.

\* \* \*

(d) ~~Mitigation of~~ Upon request by a property owner/violator, an outstanding fine/lien imposed by the code enforcement board or special magistrate may be mitigated based upon the chart below.

- (1) ~~Mitigation of fine for homestead properties. An enforcement board or special magistrate may reduce an outstanding fine of a homestead property based on the criteria above once a violator has complied with the order, after the city has collected its costs as determined by the city manager or designee, and for good cause shown.~~
- (2) ~~Mitigation of fine for non-homestead properties. The board or special magistrate is hereby authorized to mitigate fines with non-homestead violators, provided that the total amount of the daily fine imposed by the enforcement board or special magistrate may only be reduced to the percentage stated in the schedule below (the percentage on the chart below refers to percentage of the lien to be paid. One hundred percent as reflected in the chart means no mitigation is allowed and the total lien shall be paid).~~

<b>Number of Days Fine Outstanding</b>	<b>Total Fine Mitigation (percent)</b>
<del>1—30</del>	25
<del>31—60</del>	30
<del>61—90</del>	35
<del>91—120</del>	40
<del>121—150</del>	50

<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

<b>Number of Days Fine Outstanding</b>	<b>Total Fine Mitigation (percent)</b>
151—180	60
181—210	70
211—240	80
241—270	90
271 and up	100

The Code Enforcement Board or Special Magistrate may consider any other criteria it deems relevant other than as listed in Section 2-816(c) to determine whether the mitigated amount will be no less than the minimum or no more than a maximum amount as stated in the Chart below:

Chart:

<b><u>Minimum Mitigation Amount</u></b>	<b><u>Property Type/Use</u></b>
<u>\$5,000.00</u>	<u>Single Family – Homestead/Owner Occupied</u>
<u>\$5,000.00</u>	<u>Duplex – Homestead/Owner Occupied</u>
<u>\$7,500.00</u>	<u>Vacant Lot</u>
<u>\$10,000.00</u>	<u>Single Family – Non Homestead</u>
<u>\$10,000.00</u>	<u>Duplex – Non Homestead</u>
<u>\$15,000.00</u>	<u>Triplex/Fourplex; Apartment Building, Condominium, all other Commercial</u>
<u>Reduction to \$0.00</u>	<u>May only be accomplished through Unanimous Vote at a Hearing by the Code Enforcement Board for Single Family or Duplex Properties</u>
<b><u>Maximum Mitigation Amount</u></b>	<b><u>Type of Violation</u></b>
<u>20% of total fine/lien</u>	<u>Non-Repeat Violation</u>
<u>30% of total fine/lien</u>	<u>Repeat Violation</u>

- (32) If the subject fine/lien is reduced and a violator fails to pay said reduced fine within a period of 20 no later than thirty (30) days from the day date the mitigation is made order is entered, then the original fine/lien shall be reinstated. In addition to daily fines, violators shall pay cost(s) of prosecution as ordered by the Code Enforcement Board, if any, which have been incurred by

the city with respect to such violation. The mitigated amount may not be paid installments.

(43) Exceptions. The above chart and restrictions shall not apply to;

- a. Matters set for hearing at the time of the adoption of this subsection; 501(c)(3) and eleemosynary organizations and single-family and duplex residential properties which are now vacant land but whose past, immediate use was as a single family or duplex residential property shall be allowed to obtain mitigation in the same manner as properties under Subsection (d)(1). Eleemosynary is defined as a private corporation created for charitable and benevolent purposes; and
- b. Bankruptcy matters, or matters in which the city has a litigation settlement which may be heard by the city commission; Vacant land whose immediate, past use was as a single family or duplex residential property shall be allowed to obtain mitigation in the same matters as properties pursuant to Subsection (d)(1).
- c. 501(c)(3) and eleemosynary organizations and single family and duplex residential properties and vacant land, where the immediate, previous use was as single family or duplex structure shall be allowed to obtain mitigation in the same manner as properties which have homestead exemption under subsection (d)(1). Eleemosynary is defined as a private corporation created for charitable and benevolent purposes. A Maximum Mitigation percent greater than 31% or denial of Mitigation by the Code Enforcement Board or Special Magistrate shall be made with specific findings as it relates to a Repeat Violation, or a violation that created a danger to the health, safety and welfare of persons or property, or a flagrant, intentional violation of the City Code.

(4) Any property owner may request in writing to the City Manager or Designee the ability to mitigate to the maximum amount as prescribed in Section 2-817(d)(1) chart. The request shall state with specificity the reason for the request. The request shall be presented to the Code Enforcement Board or Special Magistrate at a regularly scheduled meeting for approval. If the Code Enforcement Board or Special Magistrate denies the request, the property owner may still seek a mitigation hearing before the Code Enforcement Board or Special Magistrate as set forth herein.

\* \* \*

Section 3. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.<sup>2</sup>

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<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

APPROVED AS TO FORM AND CORRECTNESS:

  
George K. Wysocki III, City Attorney 7/1/2024