

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Rickelle Williams, Interim City Manager

DATE: July 24, 2024

TITLE: APPOINTMENT OF CHIEF SPECIAL MAGISTRATE

1. A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER, PURSUANT TO SECTION 30-36 OF THE CODE OF THE CITY OF MIAMI BEACH, CONCERNING THE APPOINTMENT OF ANNETTE EPELBAUM CANNON, ESQ., TO SERVE AS CHIEF SPECIAL MAGISTRATE, FOR A TERM COMMENCING ON AUGUST 24, 2024, AND ENDING ON FEBRUARY 23, 2025; RATIFYING MS. CANNON'S APPOINTMENT OF MARYANNE LUKACS, ESQ. AND ENRIQUE ZAMORA, ESQ. AS SPECIAL MAGISTRATES; PROVIDED FURTHER THAT CHIEF SPECIAL MAGISTRATE CANNON AND HER APPOINTED SPECIAL MAGISTRATES SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS, AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF THE CITY AND COUNTY CODES AND ORDINANCES, AND FURTHER INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CHAPTER 30 OF THE CITY CODE, INCLUDING, WITHOUT LIMITATION, SECTIONS 30-37 AND 30-38 THEREOF, CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MAGISTRATE AND THE SPECIAL MAGISTRATES.

2. A RESOLUTION APPROVING AND APPOINTING, PURSUANT TO SECTION 102-356 OF THE CITY CODE, ANNETTE EPELBAUM CANNON, ESQ., MARYANNE LUKACS, ESQ., AND ENRIQUE ZAMORA, ESQ. (CHIEF SPECIAL MAGISTRATE AND SPECIAL MAGISTRATES APPOINTED AND RATIFIED PURSUANT TO RESOLUTION NO. \_\_\_\_\_), AS THE CITY MANAGER'S "DESIGNEE" UNDER SECTION 102-356 OF THE CITY CODE; SAID DESIGNATION COMMENCING WITH MS. CANNON'S TERM AS CHIEF SPECIAL MAGISTRATE ON AUGUST 24, 2024, AND ENDING ON FEBRUARY 23, 2025.

### **RECOMMENDATION**

Recommending the appointment of Annette Epelbaum Cannon as Chief Special Magistrate.

### **BACKGROUND/HISTORY**

On April 1, 2024, Chief Special Magistrate Enrique Zamora notified the Office of the City Clerk that he does not intend to seek reappointment as Chief Special Magistrate when his current term expires on August 23, 2024. Pursuant to Section 30-36 of the City Code, upon prior recommendation of the City Manager, the City Commission, by a majority vote, may appoint a Chief Special Magistrate, who shall be authorized to hold hearings and impose fines, liens, and other noncriminal penalties against violators of City or County codes and ordinances. The Code stipulates that the Chief Special Magistrate shall be an individual who shall have been determined by the City Manager and City Attorney to have the knowledge, skills, and abilities to perform as Chief Special Magistrate.

## **ANALYSIS**

At the June 26, 2024 City Commission meeting, the Mayor and City Commission discussed candidates interested in the Chief Special Magistrate position.

Following both initial and follow-up discussions with those candidates having expressed an interest in the role, I am recommending appointing Annette Epelbaum Cannon as Chief Special Magistrate. I am of the opinion, and City Attorney Ricardo J. Dopico has concurred, that Ms. Cannon possesses the knowledge, skills, and attributes to undertake this important role. Attached are two (2) Resolutions providing for the appointment by the City Commission of Ms. Cannon. The first Resolution appoints Ms. Cannon as Chief Special Magistrate for Code Enforcement violations under Chapter 30 of the City Code; the second Resolution appoints Ms. Cannon to hear appeals from citations and violations or denials, suspensions, and revocations of certificates of use pursuant to Chapter 102 of the Miami Beach City Code. Language has been added to the Resolutions prohibiting the Chief Special Magistrate and each Special Magistrate that they appoint from participating in a practice that represents clients in matters adverse to the City of Miami Beach, and from lobbying the City during their service with the City.

Ms. Cannon is a highly accomplished legal professional deeply rooted in Miami Beach, Florida. After obtaining her Juris Doctor from the University of Florida College of Law in 1990, she embarked on a career marked by a dedication to public service and legal excellence. Ms. Cannon's academic achievements include graduating magna cum laude from Florida State University with a B.A. in Political Science and a minor in Communications, earning Phi Beta Kappa honors in 1986.

Ms. Cannon is certified as a Circuit Court and Family Court Mediator, specializing in foreclosure mediation and civil litigation. Her mediation expertise spans over two decades, during which she has mediated over 5,000 cases across various legal domains, including workers' compensation, employment discrimination, and bankruptcy mortgage foreclosures.

Since April 2014, Ms. Cannon has served as a Special Magistrate for the City of Miami Beach, where she presides over cases involving building, zoning, and planning violations. Her role requires a thorough understanding of the Miami Beach Code and a commitment to maintaining the City's standards. Additionally, she has served as a Special Magistrate for the City of Fort Lauderdale since January 2024, handling similar cases in building, zoning, and planning.

In addition to her Special Magistrate and mediation responsibilities, Ms. Cannon operates her own successful practice, Annette Cannon PA. Her firm focuses on circuit civil mediations and includes appointments as Guardian Ad Litem in mortgage foreclosure actions.

Ms. Cannon's professional affiliations are extensive and include memberships in the Florida Bar, the Florida Academy of Professional Mediators, and the Miami Beach Bar Association, where she serves as a Board Member. She is admitted to practice in the United States District Court Southern District and the United States Court of Appeals for the Eleventh Circuit.

Beyond her legal career, Ms. Cannon is actively involved in her community. She serves as a certified substitute teacher for Dade County Public Schools and holds a position on the board of Temple Beth Shalom's Sisterhood in Miami Beach. Fluent in Spanish, she is able to serve a diverse clientele and engage effectively with Miami Beach's multicultural population.

Annette Epelbaum Cannon's career achievements and community contributions underscore her deep commitment to Miami Beach. Her legal acumen, coupled with a passion for mediation and public service, position her as a respected figure in both the legal profession and the Miami Beach community she proudly calls home. A copy of Ms. Cannon's resume is attached.

Pursuant to Section 30-36 of the City Code, if appointed, Ms. Cannon seeks the ratification by a majority vote of the City Commission of her appointment of MaryAnne Lukacs, Esq. and Enrique Zamora, Esq. as Special Magistrates.

MaryAnne Lukacs, Esq.

MaryAnne Lukacs, Esq., is a distinguished legal professional with a deep-rooted connection to Miami Beach, Florida. She earned her Juris Doctor from St. Thomas University School of Law in Miami and has been a member of The Florida Bar since 1988. Her educational background also includes a Bachelor of Science in Education from Florida International University and an Associate of Science from Miami Dade Community College.

Ms. Lukacs' career spans over three decades, marked by her expertise as a Special Magistrate for the City of Miami Beach since 2014. In this role, she presides over hearings concerning violations of Miami Beach Codes and Ordinances, providing fair adjudication through testimony and written findings. Before this, she served as a General Magistrate and Child Support Hearing Officer for the Eleventh Judicial Circuit, handling paternity issues and child support enforcement from 2005 to 2012.

Her extensive legal career includes positions such as Special Master for the City of Miami, Hollywood, and West Miami, where she similarly oversaw hearings on municipal code violations. Ms. Lukacs has also practiced law at Lukacs & Lukacs, P.A., specializing in eminent domain, general civil law, and family mediation. Her earlier roles include serving as Police Legal Advisor and Assistant City Attorney II for the City of Miami Beach, where she advised on legal matters and municipal law issues.

MaryAnne Lukacs has made significant contributions beyond her legal practice, including volunteer work with organizations like Foster Care Review, Inc. and Lawyers for Children America, advocating for children's rights within the dependency system. She has also been involved in education, teaching at Miami Dade Community College and the University of Miami Paralegal Programs.

Ms. Lukacs' dedication to her community extends to her roles on various boards, such as Casa Valentina, Inc. and her past involvement with Foster Care Review, Inc. Her commitment to legal excellence and community service has been recognized through awards like The Douglas M. Halsey Award for Volunteer Service in 2005.

Throughout her career, MaryAnne Lukacs has exemplified leadership and expertise in Miami Beach's legal landscape, making enduring contributions to both the legal profession and the community she serves. A copy of Ms. Lukacs' resume is attached.

Enrique Zamora, Esq.

Enrique Zamora, Esq., is a distinguished attorney renowned for his expertise in Elder Law, Probate & Guardianship administration, and Estate Planning. With a career spanning over three decades, he has significantly impacted the legal profession through his practice, teaching, and leadership roles. Beginning as a founding partner at Perez-Abreu, Zamora, Hillman & Martin-Lavielle, PA in 1987, Mr. Zamora specialized in Probate & Guardianship litigation, Elder Law, and Estate Planning. His career continued to evolve with the establishment of the Law Offices of Enrique Zamora in Coral Gables, Florida, where he focused on similar areas until 2000. Currently, as a partner at Zamora, Hillman & Villavicencio in Coconut Grove, Florida, Mr. Zamora continues to excel in Elder Law, Probate & Guardianship administration, Trust Administration & Litigation, and Estate Planning.

Appointed as the Chief Special Magistrate for the City of Miami Beach on April 23, 2014, Enrique Zamora played a pivotal role in overseeing the Special Magistrate system. He supervised two Special Magistrates and presided over hearings involving building, zoning, planning, and code,

violations under the City of Miami Beach Codes and Ordinances. His responsibilities included administering oaths, taking testimony, making written findings of facts, and entering orders, ensuring fair adjudication and enforcement of the City's regulations.

In addition to his legal practice, Enrique Zamora is deeply committed to legal education. He serves as an Adjunct Professor of Law at St. Thomas University School of Law and the University of Florida Levin College of Law, where he imparts knowledge in Elder Law and Guardianship. His dedication to education also extends to chairing the Professional Guardianship Program at Miami-Dade Community College from 1998 to 2004, where he contributed significantly to the development of future guardianship professionals.

Enrique Zamora's expertise is further underscored by his representation of Cuban National heirs in U.S. probate proceedings, a role for which he has been licensed by the Office of Foreign Assets Control (OFAC) since 1995. He holds certifications as a Florida Bar Board Certified Elder Law Attorney and Florida Supreme Court Certified Civil Mediator, highlighting his proficiency in Elder Law and alternative dispute resolution.

Throughout his illustrious career, Enrique Zamora has received numerous accolades, including multiple listings in the Super Lawyers by Florida Super Lawyers Magazine and the Pro Bono Award from the Dade County Bar Association and the 11th Judicial Circuit for his dedicated Guardianship services.

Enrique Zamora earned his Juris Doctor degree from the University of Miami School of Law, graduating Cum Laude in 1985. He also holds a Master of Business Administration from Florida International University and a Bachelor of Science in Electrical Engineering from the University of Florida. Enrique Zamora is an active member of The Florida Bar, the National Academy of Elder Law Attorneys (NAELA), and the Dade County Bar Association, among others. His career is marked by a profound dedication to Elder Law, Probate & Guardianship administration, and education, continuing to shape the legal profession and benefit the community he serves. A copy of Mr. Zamora's resume is attached.

## **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 N/A.**

**See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>**

## **FINANCIAL INFORMATION**

\$26,000.00 – Account number: 011-0210-000312-03-400-579-00-00-00

Note: Expenditures on or after October 1, 2024, are subject to approval of the FY 2025 Budget.

## **CONCLUSION**

Ms. Cannon, Ms. Lukacs, and Mr. Zamora have the knowledge, demeanor, skills, and abilities, to perform in their Special Magistrates roles. Upon approval by the City Commission, they will serve this City with honor and distinction, and their appointments will best serve the interests of the City.

As such, the subject Resolutions should be adopted.

**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 Clerk

**Sponsor(s)**

**Co-sponsor(s)**

**Condensed Title**

Appoint Chief Special Magistrate, Annette Epelbaum Cannon, 8/24/24 - 2/23/25. CM/CA/CC