

6. DISCUSS AN ORDINANCE INCREASING FINES AND PENALTIES FOR FREQUENT CODE VIOLATIONS THAT AFFECT RESIDENT QUALITY OF LIFE
Applicable Area:

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: DISCUSS AN ORDINANCE INCREASING FINES AND PENALTIES FOR FREQUENT CODE VIOLATIONS THAT AFFECT RESIDENT QUALITY OF LIFE

RECOMMENDATION

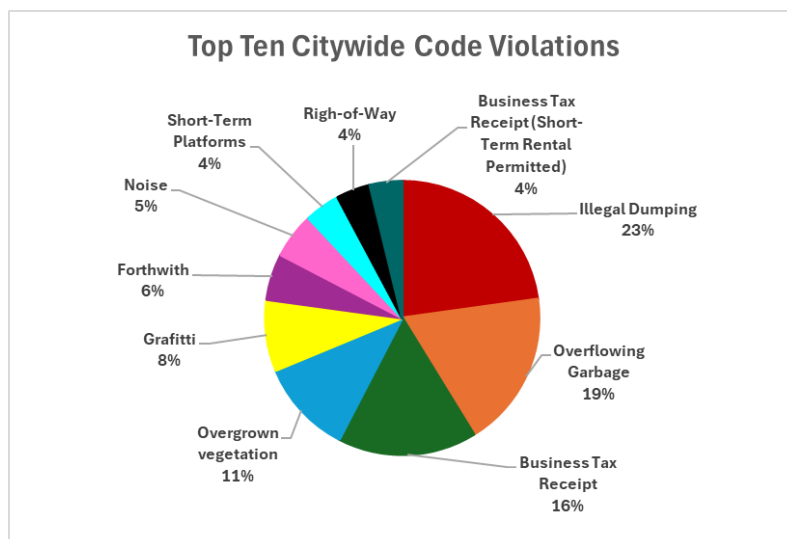
The Administration recommends moving forward with the City Attorney's Office to amend legislation by increasing fines for frequent code violations that the Committee deems appropriate.

BACKGROUND/HISTORY

At the June 26, 2024 Commission meeting, at the request of Commissioner Alex Fernandez, the Mayor and City Commission approved a referral to the Land Use and Sustainability Committee (LUSC) to discuss an ordinance increasing fines and penalties for frequent code violations that affect residents' quality of life.

At the May 8, 2025 LUSC meeting, item was not heard and was deferred to next meeting, scheduled for June 10, 2025.

ANALYSIS



From March 1, 2024 – March 1, 2025, the top ten citywide code violations are as follows (Code Sections):

1. Illegal Dumping (Section 90-100)
2. Overflowing Garbage (Section 90-100)
3. Business Tax Receipt (Section 102-377)
4. Overgrown Vegetation (Section 58-298)

5. Graffiti (Section 70-125)
6. Forthwith (Section 90-101, 90-36)
7. Noise (Section 46-152)
8. Short-Term Platforms (Section 102-387)
9. Right-of-Way (Section 82-151)
10. Business Tax Receipt for Short-Term Rentals in Permitted Zones (Section 102-386)

These violations are recurring and contribute to visual blight, neighborhood dissatisfaction, and potential public health and safety concerns. Increasing the fines associated with these violations may encourage better compliance and deter repeat offenders.

Our City Attorney's Office advises we are limited by statute to:

- \$1,000 per day for first offense,
- \$5,000 per day for subsequent offense,
- \$15,000 for irreparable or irreversible violations.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

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

FINANCIAL INFORMATION

CONCLUSION

Frequent code violations negatively impact the quality of life for residents and place a strain on City resources. By increasing fines and penalties for common infractions, the City seeks to promote accountability, deter non-compliance, and maintain neighborhood standards. Staff recommends that the Committee direct the Administration and City Attorney's Office to draft the appropriate ordinances for future consideration.

Applicable Area

Citywide

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

Yes

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

Code Compliance

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Discuss Increasing Fines & Penalties for Freq. Code Vios (AF)

Code Compliance
Top Ten City Wide Code Violations
Fine Structure

#	Type	Offense	Fine
1	Illegal Dumping	1st	\$ 500.00
		2nd and Subsequent	\$ 1,000.00
2	Overflowing Garbage	Flat Fee	\$ 200.00
3	Business Tax Receipt	1st	\$ 1,000.00
		2nd	\$ 3,500.00
		3rd	\$ 5,000.00
4	Overgrown Vegetation	No Fine	Special Magistrate Process
5	Graffiti	No Fine	Facilities Dept. Adds Cost for Graffiti Removal
6	Forthwith	1st	\$ 1,000.00
		2nd and Subsequent	\$ 2,000.00
7	Noise	Warning	
		1st	\$ 250.00
		2nd	\$ 1,500.00
		3rd	\$ 3,000.00
		4th	\$ 4,000.00
	Enhanced Penalty		
	Commercial event additional	1st	\$ 1,000.00
		2nd and Subsequent	\$ 5,000.00
8	Short-Term Platforms	1	\$ 1,000.00
		2	\$ 2,000.00
		3	\$ 3,000.00
		4th and Subsequent	\$ 5,000.00
9	Right-of-Way	1	\$ 500.00
		2	\$ 1,000.00
		3	\$ 5,000.00
		4	\$ 10,000.00
10	Business Tax Receipt for Short-Term Rentals in Permitted Zone	1	\$ 1,000.00
		2	\$ 5,000.00

C4 R REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO
DISCUSS AN ORDINANCE INCREASING FINES AND PENALTIES FOR
FREQUENT CODE VIOLATIONS THAT AFFECT RESIDENT QUALITY OF LIFE.



COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Commissioner Alex Fernandez
DATE:	June 26, 2024
TITLE:	REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS AN ORDINANCE INCREASING FINES AND PENALTIES FOR FREQUENT CODE VIOLATIONS THAT AFFECT RESIDENT QUALITY OF LIFE.

RECOMMENDATION

Please place on the June 26, 2024 agenda a referral to the Land Use and Sustainability Committee ("LUSC") to discuss an ordinance increasing fines and penalties for frequent code compliance violations that affect our residents' quality of life.

Frequent code compliance violations, including but not limited to noise disturbances, illegal dumping, property maintenance issues, and other public nuisances, significantly affect the quality of life within our community, and current existing fines and penalties for such violations may not be sufficient to deter repeat offenders and ensure compliance with the City Code.

It is in the best interest of the City to enhance the effectiveness of its Code enforcement measures by increasing fines and penalties for frequent violations that negatively impact the community within statutorily prescribed limits of Chapter 162 of the Florida Statutes.

As part of the referral, I would like for the Administration to review and determine the most frequent and common Code violations taking place in the City that could benefit from increased fines and penalties.

BACKGROUND/HISTORY

ANALYSIS

FISCAL IMPACT STATEMENT

N/A

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(FOR ORDINANCES ONLY)

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pursuant to City Code Section 2-17?**

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Project?**

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includes a principal engaged in lobbying?** No

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Department

Office of Commissioner Alex Fernandez

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)