

1 EXHIBIT 1

2 ORDINANCE NO.

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION
4 OF THE CITY OF HALLANDALE BEACH, FLORIDA,
5 AMENDING CHAPTER 9, "CODE COMPLIANCE," SECTION
6 9-6 "SPECIAL MAGISTRATE"; PROVIDING FOR
7 CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING
8 FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
9 DATE
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11 WHEREAS, local governments are not required by state statute to offer any
12 mitigation of recorded code enforcement liens, but may elect to enact such a program
13 pursuant to their Home Rule powers if, in the local government's discretion, it would serve
14 the best interests of the City; and
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16 WHEREAS, the City Commission established a voluntary mitigation process for
17 mitigation of code enforcement lien fines. This process was updated on November 20,
18 2024 when the City Commission adopted Ordinance 2024-033 to delegate authority to the
19 City Manager to mitigate such liens in accordance with the policy simultaneously adopted
20 by the City Commission; and
21

22 WHEREAS, Ordinance 2024-033 failed to identify a secondary reference to
23 mitigation in the code that conflicted with the intention of the City Commission to delegate
24 mitigation authority only to the City Manager and his designees and establish rules for
25 appeal only by way of the mitigation policy; and
26

27 WHEREAS, Florida Statutes § 162.09 does not grant the Special Magistrate the
28 authority to reduce or mitigate fines that have been recorded as a lien and only the local
29 governing board, or its designee, has the authority to exercise that power¹; and
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¹ Florida Attorney General Opinion 2002-62.

Words in ~~striketrough~~ type are deletions from existing text.
Words in underline type are additions

63 business tax receipts, fire, building, and zoning codes. The jurisdiction shall
64 also be as provided by state law and include such county ordinances as are
65 in effect in the city.

66 (d) In each case prosecuted before the special magistrate wherein the city is the
67 prevailing party, in addition to fines imposed, the special magistrate may
68 impose additional fines to cover all costs incurred by the city in enforcing its
69 codes and all costs of repairs to be paid to the city.

70 ~~(e) In any case of appeal of the city manager's decision, the aggrieved party
71 must pay an appeal filing fee which shall be set by the city commission
72 annually during the budgetary process and placed in the city's fee booklet.~~

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76 **SECTION 3.** **Conflict.** All ordinances, parts of ordinances, resolutions, or parts of
77 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

78 **SECTION 4.** **Severability.** Should any provision of this Ordinance be declared by a
79 court of competent jurisdiction to be invalid, such decision shall not affect the validity of this
80 Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

81 **SECTION 5.** **Codification.** It is the intention of the Mayor and City Commission
82 that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect
83 such intention the words "ordinance" or "section" may be changed to other appropriate words.

84 **SECTION 6.** **Effective Date.** This Ordinance shall take effect immediately upon its
85 passage and adoption.

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87 PASSED AND ADOPTED on 1st reading on _____, 20__.

88

89 PASSED AND ADOPTED on 2nd reading on _____, 20__.

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JOY F. COOPER
MAYOR

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SPONSORED BY: CITY ADMINISTRATION
ATTEST:

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99 JENORGEN GUILLEN
100 CITY CLERK
101
102 APPROVED AS TO LEGAL SUFFICIENCY
103 FORM
104
105 _____
106 JENNIFER MERINO
107 CITY ATTORNEY

108
109

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