

MEMORANDUM

Agenda Item No. 5(H)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Public Hearing: 11-6-24)
October 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Miami-Dade County Nuisance Abatement Board; amending section 2-98.7 of the Code; revising provisions relating to quorum and voting; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Anthony Rodríguez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: November 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(H)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(H)
11-6-24

ORDINANCE NO. _____

ORDINANCE RELATING TO THE MIAMI-DADE COUNTY NUISANCE ABATEMENT BOARD; AMENDING SECTION 2-98.7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROVISIONS RELATING TO QUORUM AND VOTING; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Nuisance Abatement Board receives complaints and conducts hearings regarding the existence of a public nuisance located within Miami-Dade County; and

WHEREAS, section 2-98.7(d) of the Code of Miami-Dade County, Florida provides that “[n]o less than seven (7) members shall constitute a quorum”; and

WHEREAS, section 2-98.7(d) of the Code further provides that “[n]o less than six (6) members voting affirmatively shall be required to declare any place or premises a public nuisance under this provision”; and

WHEREAS, these provisions can make it difficult for the Nuisance Abatement Board to perform its function, particularly when there are vacancies on the board; and

WHEREAS, this Board wishes to revise these provisions to provide that a majority of appointed members shall constitute a quorum for the Nuisance Abatement Board; and

WHEREAS, this Board wishes to further revise these provisions to provide that no more than a majority of voting members present shall be required for the Nuisance Abatement Board to declare any place or premises a public nuisance; and

WHEREAS, such revisions would allow the Nuisance Abatement Board to more efficiently perform its much-needed function,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 2-98.7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-98.7. Public Nuisance Abatement Board.

* * *

(d) *Meetings of the Board.* Meetings of the Board shall be held monthly, or more frequently if necessary, to hear and dispose of the pending complaints. Notice of the time and place of meetings shall be given to all complainants and owners of premises scheduled to be heard. Notice shall be given in writing at least ten (10) days prior to the hearing. Any aggrieved person may request a continuance of the hearing. The Board may grant a continuance of any hearing for good cause. The chairperson may call an emergency meeting of the Board, and meetings may also be called by written notice signed by three (3) members of the Board. The meetings of the Board shall be recorded and be transcribed at the expense of the party requesting the transcript. All meetings shall be in compliance with Florida’s “Government in Sunshine Law” and Chapter 286.011, Florida Statutes. >>A majority of appointed<<[[~~No less than seven (7)~~]] members shall constitute a quorum. >>A majority of voting members present<< [[~~No less than six (6) members~~]] voting affirmatively shall be required to declare any place or premises a public nuisance under this provision. The County >>Mayor<<[[~~Manager~~]] shall provide adequate and competent clerical and administrative personnel, and such technical or scientific personnel as may be reasonably required by the Board for the proper performance of its duties. The County >>Mayor<<[[~~Manager~~]] shall provide a regular meeting place for the Board. All records shall be public records as defined by Chapter 119.011, Florida Statutes.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *


Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

MAG for GBK


Prepared by:

Anita Viciano Zapata

Prime Sponsor: Vice Chairman Anthony Rodríguez