



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA
SPECIAL COMMISSION MEETING
LOG CABIN - 640 NE 114th Street
Biscayne Park, FL 33161
Thursday, October 24, 2019 6:30 pm

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



Attachment included

1 Call to Order

2 Roll Call

Mayor Truppman

Vice-Mayor Samaria

Commissioner Johnson-Sardella

Commissioner Tudor

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

5 Ordinance

5.a Ordinance # 2019-05 First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTERS 14 AND 15 OF THE LAND DEVELOPMENT CODE OF THE VILLAGE OF BISCAYNE PARK; AUTHORIZING SPECIAL MAGISTRATE POSITION FOR CERTAIN CODE ENFORCEMENT PROCEEDINGS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

6 Resolutions

6.a Resolution # 2019-26 - Special Election

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; CALLING A SPECIAL ELECTION TO FILL VACANCY OF ONE COMMISSION SEAT; SCHEDULING SPECIAL ELECTION TO BE HELD ON **TUESDAY, JANUARY 07, 2020**; PROVIDING FOR NOTICE OF SPECIAL ELECTION; PROVIDING FOR CANDIDATE QUALIFYING; PROVIDING FOR SPECIAL ELECTION POLLING LOCATION: PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

7 Adjournment



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 5.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Krishan Manners, Village Manager

DATE: October 23, 2019

TITLE: Special Magistrate

Recommendation

Staff recommends the Village engage Special Magistrate to hear Code Cases.

Background

Pursuant to the Commission's comments at the October 17, 2019 Special Commission Meeting, attached is a draft Ordinance for first reading. This ordinance amends the Village's current Land Development Code to allow for a Special Magistrate to hear Code cases, as well as for a Code Board to continue to be utilized for certain cases.

Resource Impact

The cost of a Special Magistrate is approximately \$300 per meeting. Because the number of cases sent to the Special Magistrate will vary, I recommend we budget \$6000 for the FY19/20. In addition, to maintain a Code Board, an attorney will need to be hired to attend those meetings. An additional \$5000 should be budgeted for this added expense, based on an estimate of 20 hours at \$250/hr.

Prepared by: Krishan Manners

DRAFT ORDINANCE FOR FIRST READING ON OCTOBER 24, 2019

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTERS 14 AND 15 OF THE LAND DEVELOPMENT CODE OF THE VILLAGE OF BISCAYNE PARK; AUTHORIZING SPECIAL MAGISTRATE POSITION FOR CERTAIN CODE ENFORCEMENT PROCEEDINGS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 162.03(2), Florida Statutes, a charter municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances; and

WHEREAS, pursuant to Section 162.03(2), Florida Statutes, a special magistrate shall have the same status as an enforcement board; and

WHEREAS, Chapter 14 of the Village's Land Development Code created a code compliance board to preside over the Village's code enforcement proceedings;

WHEREAS, Chapter 15 of the Village's Land Development Code provides enforcement guidelines for code compliance issues;

WHEREAS, the Village Commission is desirous to also utilize a special magistrate for certain code enforcement proceedings in the Village;

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

1 **Section 1. Ratification.** The foregoing “Whereas” clauses are hereby ratified and
2 confirmed as being true and correct and are hereby made a specific part of this Ordinance upon
3 adoption hereof.

4 **Section 2. Land Development Code Amended.** Chapters 14 and 15 of the Land
5 Development Code of the Village of Biscayne Park, Florida shall be amended to read as follows:

6 CHAPTER 14. – SPECIAL MAGISTRATE AND CODE COMPLIANCE
7 BOARD

8
9 14.1. – Special magistrate and code compliance board—Generally.

10
11 14.1.1 Purpose. This chapter sets forth the procedures of governing the
12 special magistrate and the code compliance board. When not expressly provided
13 for in this chapter, article III, section 2-30 of the Biscayne Park Code shall apply.

14
15 14.1.2 Intent. It is the intent of the village to provide an equitable,
16 expeditious, effective, and inexpensive method of enforcing the codes and
17 ordinances in force in the village by granting to the special magistrate and the
18 code compliance board the authority to impose administrative fines and other
19 non-criminal penalties for violation(s) of said codes and ordinances.

20
21 14.1.3 Composition.

22
23 (a) Special magistrates.

24
25 (1) Appointment. The Village Manager shall be responsible for
26 hiring a special magistrate to provide professional services to the
27 village as described herein.

28
29 (2) Authority. Special magistrates shall be authorized to hear
30 and decide cases involving code violations in the same manner as
31 the code compliance board.

32
33 (3) Qualifications. Special magistrates must be members in
34 good standing with the Florida Bar. A special magistrate must
35 maintain a professional liability insurance policy with a policy
36 limit deemed acceptable to the Village Manager.

37
38 (4) Removal. The Village Manager may remove a special
39 magistrate at any time.

40
41 (b) Code compliance board.

1 (1) Composition. The five-member board shall be appointed
2 by the village commission.

3
4 (2) Qualifications; exceptions. Members of the code
5 compliance board shall be property owners and residents of
6 the Village of Biscayne Park. Residents who are not
7 property owners in the Village of Biscayne Park may be
8 appointed by the village commission by at least a four-
9 fifths super majority vote. Appointments shall be made on
10 the basis of experience or interest and, when possible,
11 include the following individuals: an architect, an attorney
12 a business person, an engineer, a general contractor, a
13 subcontractor and a licensed real estate person.

14
15 14.1.4 (3) Terms of office. The initial appointments to the code
16 compliance board and the alternate members shall be as
17 follows:

18
19 (1a) One (1) member appointed for a term of one (1)
20 year.

21
22 (2b) Two (2) members appointed for a term of two (2)
23 years.

24
25 (3c) Two (2) members appointed for a term of three (3)
26 years.

27
28 Thereafter, all appointments shall be made for a term of three (3) years and shall
29 take effect on May 1 of the year the appointment is made. A member may be
30 reappointed upon approval of the village commission. Appointments to fill any
31 vacancy on the code compliance board shall be for the remainder of the unexpired
32 term of office. For an excused absence, a board or committee member must
33 advise the village clerk prior to the meeting of the fact that they will be absent and
34 provide a reason for that absence. The board or committee may vote to excuse the
35 requested absence at the same meeting the board or committee member is absent.
36 The absence, and whether or not the absence is excused or unexcused, is to be
37 reflected in the minutes.

38
39 The members shall serve in accordance with the village Charter and may be
40 suspended and removed for cause as provided in the village code for removal of
41 members of village boards.

42
43 14.1.4 Jurisdiction of special magistrate and code compliance board.

44
45 (a) The special magistrate shall preside over code enforcement
46 proceedings involving:

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- (1) Irreparable violations;
- (2) Irrevocable violations;
- (3) Irreversible violations;
- (4) Continuing violations. For purposes of this section, continuing violations are those violations which remain uncorrected beyond the prescribed time period for correction contained in the civil violation notice. For each day of continued violation after the time period for correction has run, an additional penalty in the same amount as for the original violation shall be added.
- (5) Repeat violations. For purposes of this section, repeat violation shall mean a violation of a provision of a code or ordinance by a person who has been previously found, through a code enforcement special magistrate or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five (5) years prior to the violation, notwithstanding the violations occur at different locations. For the purposes of this definition, a plea of "No Contest" or "Nolo Contendere" shall be deemed an admission of a violation.
- (6) Uncorrectable violation. For purposes of this section, an "uncorrectable violation" is a violation which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance. Each reoccurrence of an uncorrectable violation shall constitute a separation violation and shall subject the violator to an additional penalty in the same amount as that prescribed for the original violation. If, however, a violator has been once found guilty of an uncorrectable violation, and causes the same uncorrectable violation to occur a second time, each reoccurrence of the uncorrectable violation by such violator shall constitute a "repeat violation."
- (7) Assessment of fines including costs relating to the prosecution of cases before the special magistrate and/or code compliance board in those cases where the village prevails;
- (8) Assessment of costs;

- 1
2 (9) Assessment of liens upon real property;
3
4 (10) Fine reduction hearings brought at the request of the
5 violator;
6
7 (11) Amnesty hearings. For purposes of this section, “amnesty
8 hearings” shall mean a presentation by the village manager
9 or finance director requesting special magistrate ratification
10 of proposed settlement terms to resolve an outstanding and
11 unpaid fine or lien on the basis that said potential
12 settlement would be in the best interests of the village and
13 its residents;
14
15 (12) Any proceeding wherein the code enforcement officer shall
16 present aggravating circumstances for consideration;
17
18 (13) Any proceeding wherein the respondent shall present
19 mitigating circumstances for consideration;
20
21 (14) Any proceedings involving real property presently owned
22 by a governmental, quasi-governmental, or corporate
23 entity;
24
25 (15) Any proceeding wherein the respondent will be represented
26 by legal counsel;
27
28 (16) Any proceeding involving a violation which carries the
29 potential to impose an initial fine equal to or greater than
30 five thousand dollars and zero cents (\$5,000.00);

31
32 (b) The code compliance board shall preside over the following types
33 of code enforcement hearings:
34

- 35 (a) Any code proceedings not specifically delegated to the
36 special magistrate’s jurisdiction shall be within the
37 jurisdiction of the code compliance board.
38
39 (b) In the event the code compliance board does not meet to
40 hold a monthly hearing, the special magistrate shall preside
41 over all code proceedings that month. The village clerk
42 shall promptly notify both the respondent and the code
43 enforcement officer in writing of any reassignments from
44 the code compliance board’s hearing docket to the special
45 magistrate’s hearing docket.
46

1 14.1.5 Procedures for code compliance board.

- 2
3 (a) ~~Chairman~~ Chairperson. The members of the code compliance
4 board shall elect a ~~chairman~~ chairperson from among its members.
5
6 (b) *Quorum*. The presence of three (3) members shall constitute a
7 quorum of the code compliance board.
8
9 (c) *Expenses*. Members shall serve without compensation, but may be
10 reimbursed for such travel, mileage and per diem expenses as may
11 be authorized by the village commission.
12

13 14.1.6 Counsel. The village attorney shall either be counsel to the code
14 compliance board or shall represent the village by presenting cases before the
15 board, but in no case shall the village attorney serve in both capacities.
16

17 14.1.7 Compliance procedure.

- 18
19 (a) It shall be the duty of the code compliance officer to initiate
20 enforcement proceedings of the various codes; provided, however,
21 no member of the code compliance board shall have the power to
22 initiate such enforcement proceedings.
23
24 (b) Except as provided in subsections (c), (d) and (f), if a violation of
25 the codes is found, the code compliance officer shall notify the
26 violator and give the violator a reasonable time to correct the
27 violation. Should the violation continue beyond the time specified
28 for correction, the code compliance officer shall notify the special
29 magistrate or code compliance board of the charges and request a
30 hearing pursuant to procedure in section 14.1.8. Notice shall be
31 provided pursuant to section 14.1.13.
32
33 (c) If the violation is corrected and then recurs or if the violation is not
34 corrected by the time specified for correction by the code
35 compliance officer, the case may be presented to the special
36 magistrate or code compliance board even if the violation has been
37 corrected prior to the ~~board~~ hearing, and the notice shall so state. If
38 a repeat violation is found, the code compliance officer shall notify
39 the violator but is not required to give violator a reasonable time to
40 correct the violation. The code compliance officer, upon notifying
41 the violator of a repeat violation, shall notify the special magistrate
42 or code compliance board and request a hearing. The special
43 magistrate or code compliance board shall schedule a hearing and
44 shall provide notice pursuant to section 14.1.12. The case may be
45 presented to the special magistrate or code compliance board even
46 if the repeat violation has been corrected prior to the ~~board~~ hearing,

1 and the notice shall so state. "Repeat violation" means a violation
2 of a provision of a code or ordinance by a person who has been
3 previously found, through a special magistrate, code compliance
4 board, or other quasi-judicial or judicial process, to have violated
5 or has admitted violating the same provision within five (5) years
6 prior to the violation.

7
8 (d) If the code compliance officer has reason to believe a violation
9 presents a serious threat to the public health, safety and welfare,
10 the code compliance officer may proceed directly to the procedure
11 in subsection 14.1.7(b) without notifying the violator.

12
13 (e) If the owner of the property which is subject to an enforcement
14 proceeding before a special magistrate or code compliance board,
15 or if the court, transfers ownership of such property between the
16 time the initial pleading was served and the time of the hearing,
17 such owner shall:

18
19 (1) Disclose, in writing, the existence and the nature of the
20 proceeding to the prospective transferee.

21
22 (2) Deliver to the prospective transferee a copy of the
23 pleadings, notices, and other materials relating to the code
24 enforcement proceeding received by the transferor.

25
26 (3) Disclose, in writing, to the prospective transferee that the
27 new owner will be responsible for compliance with the
28 applicable code and with orders issued in the code
29 enforcement proceeding.

30
31 (4) File a notice with the code compliance department of the
32 transfer of the property, with the identity and address of the
33 new owner and copies of the disclosures made to the new
34 owner, within five (5) days after the date of the transfer. A
35 failure to make the disclosures described in this subsection
36 before the transfer creates a rebuttable presumption of
37 fraud. If the property is transferred before the hearing, the
38 proceeding shall not be dismissed, but the new owner shall
39 be provided a reasonable period of time to correct the
40 violation before the hearing is held.

41
42 (f) The village commission finds that aesthetics are paramount to
43 maintaining an attractive and marketable community. The
44 violations enumerated below severely damage the aesthetics and
45 livability of the community immediately upon their commission.
46 Such damage cannot be repaired or reversed. Therefore, the village

1 commission hereby deems a violation of this section an irreparable
2 and irreversible violation. As a result, the Village of Biscayne Park
3 adopts supplemental and alternative code enforcement procedures
4 pursuant to F.S. §§ 162.13 and 162.22, as amended, to authorize
5 code compliance officers to issue administrative citations for
6 review before the special magistrate or code compliance board. A
7 code compliance officer shall have the sole discretion in
8 determining whether to issue an administrative citation or a notice
9 of violation for the following offenses:

- 10
- 11 (1) Open feeding that causes a gathering of more than four (4)
12 dogs or four (4) cats or combination thereof totaling four
13 (4), in violation of section 3-4 of the code;
 - 14
 - 15 (2) Excessive barking or howling of dogs, in violation of
16 section 3-21 of the code;
 - 17
 - 18 (3) Parking not on an approved surface where there is an
19 approved parking surface as required by section 5.6.1 of the
20 Land Development Code;
 - 21
 - 22 (4) Garbage cans and trash receptacles not placed behind face
23 of building and screened from view, in violation of section
24 6.3.2 of the Land Development Code;
 - 25
 - 26 (5) Domestic trash and recycling materials placed at the
27 property line and/or not removed under the requirements of
28 section 6.3.3 of the Land Development Code;
 - 29
 - 30 (6) Trees and garden refuse placed at the property line and/or
31 not removed under the requirements of section 6.3.4 of the
32 Land Development Code;
 - 33
 - 34 (7) Overgrown grass in violation of section 8.4.1 of the Land
35 Development Code;
 - 36
 - 37 (8) Offensive noise, in violation of section 10-1 of the code.

38
39 In the issuance of an administrative citation, the following procedures shall be
40 used:

- 41
- 42 (1) For the offenses enumerated above, a code compliance officer
43 who, upon personal investigation, has reasonable cause to believe
44 that there is a violation, shall have the authority to issue an
45 administrative citation to the alleged violator and/or record owner
46 of the subject property.

- 1
2 (2) The administrative citation issued shall be in a form approved by
3 the village manager and shall contain:
4
5 a. The date and time of issuance.
6
7 b. The name and address of the person to whom the
8 administrative citation is issued.
9
10 c. The facts constituting reasonable cause.
11
12 d. The section of the code that is violated.
13
14 e. The name of the code compliance officer.
15
16 f. The procedure for the person to follow in order to pay or
17 contest the administrative citation.
18
19 g. The penalty, including administrative costs, if the person
20 elects to contest the administrative citation and is found in
21 violation.
22
23 h. The penalty if the person elects to pay the administrative
24 citation.
25
26 i. A conspicuous statement that if the person fails to pay the
27 penalty within the time allowed, or fails to appear before
28 the special magistrate or code compliance board, that the
29 person shall be deemed to have waived his or her right to
30 contest the administrative citation and that, in such case, a
31 final order and/or judgment may be entered against the
32 person up to five hundred dollars (\$500.00).
33

34 (3) After issuing the administrative citation, the code compliance officer
35 shall deposit an original with the village manager or their designee.
36

37 (4) A person who has been served with an administrative citation ~~shall~~
38 may elect either to:
39

- 40 a. Correct the violation immediately and pay within fourteen (14)
41 days of service of the administrative citation the penalty in the
42 manner indicated on the administrative citation; or
43
44 b. Request a hearing before the special magistrate or code compliance
45 board, depending on the applicable jurisdiction.
46

14.1.8 Conduct of hearing.

~~(a) — The chairman of the code compliance board may call hearings of the board, and hearings may also be called by written notice signed by at least three (3) members of the code compliance board. The board, at any hearing, may set a future hearing date. The board shall attempt to convene no less frequently than once every two (2) months, but it may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings by the board, and all hearings and proceedings shall be open to the public. The village shall provide clerical and administrative personnel as may be reasonably required by the board for the proper performance of its duties.~~

~~(b) — Each case before the code compliance board shall be presented by a code compliance officer appointed by the village for that purpose.~~

~~(c) — The special magistrate and code compliance board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The board shall take testimony from the code compliance officer, the alleged violator, and any witnesses called. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.~~

~~(d) — At the conclusion of the hearing, the special magistrate and code compliance board shall issue findings of fact, based on evidence recorded and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those present and voting, except that at least three (3) members of the code compliance board must vote for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code compliance board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.~~

(a) Upon request of the code inspector, or at such other times as may be necessary, the special magistrate or chair of the code compliance board may call a code enforcement hearing; a hearing also may be called by written notice signed by at least two members of the code compliance board. Minutes shall be kept of all code enforcement hearings, and all hearings and proceedings

1 shall be open to the public. The village commission shall provide
2 clerical and administrative personnel as may be reasonably
3 required by the special magistrate or code compliance board for the
4 proper performance of code enforcement duties.
5

6 (b) Each case before the special magistrate or code compliance board
7 shall be presented by the local governing body attorney or by a
8 member of the administrative staff of the local governing body. If
9 the local governing body prevails in prosecuting a case before the
10 enforcement board, it shall be entitled to recover all costs incurred
11 in prosecuting the case before the board and such costs may be
12 included in the lien authorized under s. 162.09(3).
13

14 (c) The special magistrate or code compliance board shall proceed to
15 hear the cases on the agenda for that day. All testimony shall be
16 under oath and shall be recorded. The enforcement board shall take
17 testimony from the code inspector and alleged violator. Formal
18 rules of evidence shall not apply, but fundamental due process
19 shall be observed and shall govern the proceedings.
20

21 (d) At the conclusion of the hearing, the special magistrate or code
22 compliance board shall issue written findings of fact, based on
23 evidence of record and conclusions of law, and shall issue an order
24 affording the proper relief consistent with powers granted herein.
25 The finding shall be by motion approved by a majority of those
26 members present and voting, except that at least three members of
27 the code compliance board, must vote in order for the action to be
28 official. The order may include a notice that it must be complied
29 with by a specified date and that a fine may be imposed and, under
30 the conditions specified in s. 162.09(1), the cost of repairs may be
31 included along with the fine if the order is not complied with by
32 said date. A certified copy of such order may be recorded in the
33 public records of Miami-Dade County, Florida and shall constitute
34 notice to any subsequent purchasers, successors in interest, or
35 assigns if the violation concerns real property, and the findings
36 therein shall be binding upon the violator and, if the violation
37 concerns real property, any subsequent purchasers, successors in
38 interest, or assigns. If an order is recorded in the public records
39 pursuant to this subsection and the order is complied with by the
40 date specified in the order, the special magistrate or code
41 compliance board must issue an affidavit acknowledging
42 compliance that shall be recorded in the public records of Miami-
43 Dade County, Florida. A hearing is not required to issue such an
44 affidavit acknowledging compliance.
45

1 14.1.9 Powers of the special magistrate and code compliance board. The
2 special magistrate and code compliance board shall have the power to:

- 3
4 (1) Adopt rules for the conduct of its hearings.
5
6 (2) Subpoena alleged violators and witnesses to its hearings.
7 Subpoenas may be served by the police department.
8
9 (3) Subpoena evidence to its hearings.
10
11 (4) Take testimony under oath.
12
13 (5) Issue orders having the force of law commanding whatever steps
14 are necessary to bring a violation into compliance.
15

16 14.1.10 Fines; liens.

17
18 (a) The special magistrate and code compliance board, upon notification
19 by the code compliance officer that a previous order ~~of the board~~ has not been
20 complied with by the set time, or finds a person to be a repeat violator under
21 subsection (c), may order the violator to pay a fine in an amount specified in this
22 section for each day the violation continues past the date set by the special
23 magistrate or code compliance board for compliance or, in the case of a repeat
24 violation, for each day the repeat violation continues past the date of notice to the
25 violator of the repeat violation. If a finding of a violation or a repeat violation has
26 been made as provided in this part, a hearing shall not be necessary for issuance
27 of the order imposing the fine.
28

29 ~~An "uncorrectable violation" is a violation which cannot be remedied after~~
30 ~~the violation has been committed because the violation constitutes a single~~
31 ~~prohibited act rather than an ongoing condition or circumstance. Each~~
32 ~~reoccurrence of an uncorrectable violation shall constitute a separation violation~~
33 ~~and shall subject the violator to an additional penalty in the same amount as that~~
34 ~~prescribed for the original violation. If, however, a violator has been once found~~
35 ~~guilty of an uncorrectable violation, and causes the same uncorrectable violation~~
36 ~~to occur a second time, each reoccurrence of the uncorrectable violation by such~~
37 ~~violator shall constitute a "repeat violation."~~
38

39 ~~"Continuing violations" are those violations which remain uncorrected~~
40 ~~beyond the reasonable time period for correction contained in either the civil~~
41 ~~violation notice or the final order of the code compliance board, whichever is~~
42 ~~applicable. For each day of continued violation after the time for correction has~~
43 ~~run, an additional penalty in the same amount as that prescribed for the original~~
44 ~~violation shall be added.~~
45

1 A "repeat violation" is a recurring violation of an ordinance by a violator
2 who has previously been guilty of the same violation within the last five (5) years.
3 In the case of correctable violations, a repeat violation can occur only after
4 correction of the previous violation has been made. For the first repeat violation,
5 the amount of the civil penalty shall be double the amount of penalty prescribed
6 for the original violation.

7
8 (b) Amount of fine.

9
10 (1) The fine amount(s) are referenced in a resolution kept on file by the
11 village clerk.

12
13 (2) In determining the amount of the fine, if any, the special magistrate
14 or code compliance board shall consider the following factors:

- 15
16 a. The gravity of the violation;
17
18 b. Any actions taken by the violator to correct the violation; and
19
20 c. Any previous violations committed by the violator.

21
22 (c) Reduction of fine imposed pursuant to this section.

23
24 (1) The special magistrate and code compliance board ~~is~~ are hereby
25 delegated the authority to hear requests for reduction of fines pursuant to this
26 section and make the final decision on behalf of the village.

27
28 (2) For all requests for reduction of fine, the code compliance officer
29 shall submit a written recommendation to the special magistrate code compliance
30 board. In formulating the recommendation, the code compliance officer shall
31 consider criteria, which includes, but is not limited to, the following:

- 32
33 a. The cooperation of the ~~respondent~~ petitioner seeking reduction,
34 including whether the ~~respondent~~ petitioner had appeared before
35 the special magistrate or code compliance board at the original
36 hearing;
37
38 b. The documentation provided ~~by the respondent~~ in support of the
39 fine reduction request;
40
41 c. Whether the ~~respondent~~ petitioner seeking reduction has new
42 evidence or information which could not be provided at the
43 original hearing;
44
45 d. Whether there was any extraordinary hardship which existed or
46 currently exists;

- 1
2 e. Whether the ~~respondent~~ petitioner seeking reduction is presently
3 ~~has come~~ into compliance with the order of the special magistrate
4 and/or code compliance board;
- 5
6 f. The number of days that the violation existed;
- 7
8 g. Whether the ~~respondent~~ petitioner seeking reduction has been ~~was~~
9 deemed a repeat violator by the special magistrate and/or code
10 compliance board;
- 11
12 ~~h. Whether the property is homestead or non-homestead property;~~
13 ~~and~~
- 14
15 i.h. The total administrative cost to the village for the handling of the
16 case, which cost will be inclusive of staff time and recording and
17 release of lien fees.

18
19 (3) When issuing a determination for a fine reduction request, the ~~The~~
20 special magistrate code compliance board shall consider the same criteria as the
21 code compliance officer.

22
23 (4) The special magistrate code compliance board shall not waive
24 administrative costs incurred by the local government in enforcing its codes. In
25 addition, the code compliance board and the administrative panel shall not waive
26 costs of any repairs incurred by the Village local government.

27
28 (d) A certified copy of an order imposing a fine, or a fine plus repair
29 costs, may be recorded in the public records of Miami-Dade County, Florida and
30 thereafter shall constitute a lien against the land on which the violation exists, or,
31 if the violator does not own the land, upon any other real or personal property
32 owned by the violator. Upon petition to the circuit court, such order shall be
33 enforceable in the same manner as a court judgment by the sheriffs of this state,
34 including execution and levy against the personal property of the violator but such
35 order shall not be deemed otherwise to be a judgment of a court except for
36 enforcement purposes. A fine imposed pursuant to this part shall continue to
37 accrue until the violator comes into compliance or until judgment is rendered in a
38 suit to foreclose on a lien filed pursuant to this section, whichever occurs first.
39 After three (3) months from the filing of any such lien which remains unpaid, the
40 special magistrate or code compliance board may authorize the village attorney to
41 initiate court proceedings to foreclose upon the lien. No lien created pursuant to
42 the provisions of this chapter may be foreclosed on real property, which is a
43 homestead under the Florida Constitution, Art. X, § 4. For purposes of this
44 section, there is a rebuttable presumption that a residential property for which a
45 homestead exemption for taxation was granted according to the certified rolls of

1 the latest assessment by the county property appraiser, before the filing of the
2 foreclosure action, is an owner-occupied residential property.

3
4 14.1.11 Duration of lien.

5
6 No lien provided by ~~the Code Compliance Boards Act~~ for herein shall continue to
7 encumber real property for a longer period than twenty (20) years after the
8 certified copy of an order imposing a fine has been recorded, unless within that
9 time an action to foreclose on the lien is commenced in a court of competent
10 jurisdiction. In an action to foreclose on the lien, the prevailing party is entitled to
11 recover all costs, including a reasonable attorney's fee, that it incurs in the
12 foreclosure. The continuation of the lien effected by the commencement of the
13 action shall not be good against creditors or subsequent purchasers for valuable
14 consideration without notice, unless a notice of lis pendens is recorded.

15
16 14.1.12 Appeal.

17
18 (a) Pursuant to Section 162.11, Florida Statutes, An aggrieved
19 party, including the village, may appeal a final order of the special
20 magistrate or code compliance board by filing a notice of appeal to
21 the Circuit Court of the Eleventh Judicial Circuit in and for Miami-
22 Dade County, Florida circuit court. Such an appeal shall not be a
23 hearing de novo, but shall be limited to appellate review of the
24 record created before the special magistrate or code compliance
25 board.

26
27 (b) Pursuant to the applicable Florida Rules of Appellate Procedure,
28 An appeal shall the following documents must be filed within
29 thirty (30) calendar days of the execution rendition of the order to
30 be appealed:

31
32 (1) Original notice of appeal with the village clerk;

33
34 (2) File a copy of the notice of appeal and order being
35 appealed, accompanied with the requisite court filing fees,
36 with the Miami-Dade County Clerk of the Court.

37
38 (c) The village clerk shall process any requests for a copy of the
39 record created before the special magistrate or code compliance
40 board. The village may assess a reasonable charge for the
41 preparation and transmission of the record to be paid by the
42 petitioner in accordance with Section 119.07, Florida Statutes.

43
44 14.1.13 Notice and procedures.

1 (a) All notices required by this part shall be provided to the alleged
2 violator by:

3
4 (1) Certified mail, return receipt requested, provided if such
5 notice is sent under this subsection to the owner of the
6 property in question at the address listed in the tax
7 collector's office for tax notices, and at any other address
8 provided to the village by such owner and is returned as
9 unclaimed or refused, notice may be provided by posting as
10 described in subsections (b)(1) and (2) below, and by first
11 class mail directed to the addresses furnished to the local
12 government with a properly executed proof of mailing or
13 affidavit confirming the first class mailing; or

14
15 (2) Hand delivery by the sheriff or other law enforcement
16 officer, code compliance officer, or other person designated
17 by the local governing body; or

18
19 (3) Leaving the notice at the violator's usual place of residence
20 with any person residing therein who is above fifteen (15)
21 years of age and informing such person of the contents of
22 the notice.

23
24 (b) (1) In lieu of notice as described in subsection (a), such notice
25 may be posted at least ten (10) days prior to the hearing, or prior to
26 the expiration of any deadline contained in the notice, in at least
27 two (2) locations, one of which shall be the property upon which
28 the violation is alleged to exist and the other of which shall be at
29 the Village Hall.

30
31 (2) Proof of posting shall be by affidavit of the person posting
32 the notice, which affidavit shall include a copy of the notice
33 posted and the date and places of its posting.

34
35 (c) Evidence that an attempt has been made to hand deliver or mail
36 notice as provided in subsection (a), together with proof of notice
37 or posting as provided in subsection (b), shall be sufficient to show
38 that the notice requirements of this chapter have been met, without
39 regard to whether or not the alleged violator actually received such
40 notice.

41
42 14.1.14 Enforcement procedures by code compliance officer.

43
44 (a) For the purposes of this chapter, a "code compliance officer" is
45 defined to be any agent or employee of the village or Miami-Dade
46 County whose duty is to assure the enforcement of and compliance

1 with the village code, the Florida Building Code, or Miami-Dade
2 County, as applicable. Prior to being provided the authority to
3 initiate enforcement proceedings under this chapter, a code
4 compliance officer shall be required to successfully complete a
5 criminal background investigation as prescribed by administrative
6 order of the county manager. Subject to the requirements of section
7 8CC-11, a "code compliance officer" is also defined to be any
8 agent or employee of a municipality who has been authorized
9 pursuant to that section to assure code compliance. Municipal
10 employees shall also be required to successfully complete a
11 criminal background investigation prior to being provided
12 authority to initiate enforcement proceedings under this chapter.
13

- 14 (b) For the purposes of this chapter, "violators" shall be deemed to be
15 those persons or entities legally responsible for the violation of the
16 village's Code of Ordinances, applicable provision of the Miami-
17 Dade County Code, or the Florida Building Code.
18
- 19 (c) A code compliance officer who finds a violation of an ordinance
20 shall determine a reasonable time period within which the violator
21 must correct the violation. This determination shall be based on
22 considerations of fairness; practicality; ease of correction; ability to
23 correct; severity of violation; nature, extent and probability of
24 danger or damage to the public; and other relevant factors relating
25 to the reasonableness of the time period prescribed. A time for
26 correction need not be specified if the violation is deemed to be an
27 uncorrectable violation.
28
- 29 (d) Service shall be effected by delivering the civil violation notice to
30 the violator or his agent, or by leaving the civil violation notice at
31 the violator's usual place of abode with any person residing therein
32 who is fifteen (15) years of age or older and informing that person
33 of its contents. If such service cannot be effected, the notice may
34 be sent by certified mail, return receipt requested, or by posting of
35 the civil violation notice in a conspicuous place on the premises or
36 real property upon which the violation has been observed or by
37 mailing to or posting the civil violation notice at the property
38 owner's mailing address as listed in the tax records of Miami-Dade
39 County. Such posting of the notice or violation shall be deemed
40 proper service, and the time for compliance, stated in the notice,
41 shall commence with the date such notice is posted.
42
- 43 (e) A code compliance officer is authorized to record in the public
44 record the civil violation notice or a notice of violation which is
45 based upon the civil violation notice. The recording of the civil
46 violation or a notice of violation under this section shall not act as

1 or be a lien on the property and shall not act as a notice of a lien on
2 the property but shall merely act as public notice of the existence
3 of the violation.

- 4
5 (f) A code compliance officer must have, at a minimum, a Florida
6 Association of Code Enforcement (F.A.C.E.) Level 1 certification
7 within one (1) year of hire.
8

9 CHAPTER 15. - ENFORCEMENT

10
11 15.1. - Generally.

12
13 15.1.1 Enforcement of Land Development Code. The planning board,
14 special magistrate, and the code compliance board shall enforce the Land
15 Development Code.
16

17 15.2. - Building official.

18
19 15.2.1 Designation. The building official shall be designated by the
20 appointing authority, whatever the official title, to enforce the provisions of the
21 Florida Building Code and other applicable laws; provided, the official may act
22 with the aid and through authorized assistants.
23

24 15.2.2 Authority. The building official is hereby authorized and directed
25 to interpret and enforce all of the provisions of this code subject to the powers
26 vested in the planning board and the code compliance board.
27

28 15.3. - Violations and general penalty.

29
30 15.3.1 General penalty. Whenever in this code or in any ordinance of
31 the village any act is prohibited or is made or declared to be unlawful or an
32 offense, or whenever in such code or ordinance the doing of any act is required or
33 the failure to do any act is declared to be unlawful, where no specific penalty is
34 provided therefor, the violation of any such provision of this code or any
35 ordinance shall be punished by a fine not to exceed five hundred dollars
36 (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both a
37 fine and imprisonment. Each day violation of any provision of this code or of any
38 ordinance shall continue shall constitute a separate offense.
39

40 15.3.2 Continuation of violation. In addition to the penalties
41 hereinabove provided, any condition caused or permitted to exist in violation of
42 any of the provisions of this code or any ordinance shall be deemed a public
43 nuisance and may be, by the village, abated as provided by law, and each day that
44 such condition continues shall be regarded as a new and separate offense.
45

46 15.4. - Other penalties and remedies.

1
2 15.4.1 Civil remedies. If any building or structure is erected,
3 constructed, reconstructed, altered, repaired, or maintained or any building,
4 structure, land, or water is used in violation of this code, the village, through the
5 village attorney, may institute any appropriate civil action or proceedings in any
6 court to prevent, correct, or abate the violation.
7

8 **Section 3.** **Severability.** Should any section, provision, paragraph, sentence, clause of
9 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
10 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
11 not affect the validity of the remaining portions or applications of this Ordinance.

12 **Section 4.** **Codification.** It is the intention of the Village Commission of the Village of
13 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Land
14 Development Code of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance
15 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article"
16 or other word or phrase in order to accomplish such intention.

17 **Section 5.** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
18 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

19 **Section 6.** **Effective Date.** This Ordinance shall become effective immediately upon its
20 passage and adoption, in accordance with the Village Charter.

21 The foregoing Ordinance was offered by Mayor Truppman who moved its adoption.
22 The motion was seconded by _____ and upon being put to a vote, the vote was as
23 follows:

24 PASSED AND ADOPTED upon first reading this 24th day of October, 2019.

25 PASSED AND ADOPTED upon second reading this 05th day of November, 2019.
26

**The foregoing ordinance upon being put
to a vote, the vote was as follows:**

Mayor Truppman:
Vice Mayor Johnson-Sardella:
Commissioner Samaria:
Commissioner Tudor:

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Tracy Truppman, Mayor

Attest:

Roseann Prado, Village Clerk

Approved as to form:

Rebecca Rodriguez, Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 6.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: October 24, 2019

TITLE: Resolution 2019-26

Recommendation:

Approval of Resolution 2019-26.

Background

On October 16, 2019, then Commissioner Laura Betsy Wise delivered a letter of resignation to the Village Manager. Commissioner Wise's term would have expired November 2022, leaving 36 months left in her unexpired term.

Village code states that if six months or more remain in the unexpired term, the vacancy needs to be filled by Special Election which must occur within 90 days from the date of the said vacancy, or as soon as it is allowed by the Miami-Dade County Supervisor of Elections. The Department of Elections has advised that the Village Commission must pass legislation calling for the Special Election no less than 90 days prior to the date of the Special Elections. Based on this requirement, and all other related guidelines, the proposed date of the Special Election would be January 07, 2020.

Provided as an attachment is the schedule of all related events, activities and requirements related to the Special Election.

Resource Impact

An estimate was provided by the Miami-Dade Department of Elections which includes the costs for Personnel, Polling Locations, Supplies and Services, Trucks and Vehicles, Printing and Advertising, Postage, Ballot Creation, and Administrative Overhead. The total estimate for the Special Election is \$ 14,680.63.

There would be an additional estimated cost of \$1,500 for required newspaper publications.

This unbudgeted expenditure would be funded from General Contingencies under Professional Services, specifically the Unbudgeted Expenditures line item which was adopted at \$ 25,000.00 in the FY 2019-2020 Budget.

Attachment

- Resolution 2019-26
- Special Election 2019-2020 Schedule of Meetings, Events and Required Actions
- Estimate costs for Special Election
- 2019 Florida Statutes re: Elections

Prepared by: Roseann Prado, Village Clerk

1
2
3 **RESOLUTION NO. 2019-26**
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION OF THE**
6 **VILLAGE OF BISCAYNE PARK, FLORIDA; CALLING A**
7 **SPECIAL ELECTION TO FILL VACANCY OF ONE**
8 **COMMISSION SEAT; SCHEDULING SPECIAL ELECTION TO**
9 **BE HELD ON TUESDAY, JANUARY 07, 2020; PROVIDING FOR**
10 **NOTICE OF SPECIAL ELECTION; PROVIDING FOR**
11 **CANDIDATE QUALIFYING; PROVIDING FOR SPECIAL**
12 **ELECTION POLLING LOCATION; PROVIDING FOR**
13 **SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**
14

15 **WHEREAS**, on November 6, 2018, Laura Beth Wise was elected to serve as an at-
16 large member of the Village Commission of the Village of Biscayne Park, Florida (the
17 “Village”) for a four (4) year term commencing on November 2018 and ending in November
18 2022;

19 **WHEREAS**, on October 16, 2019, the Village Manager received a written notice of
20 resignation for this commission seat, effective October 16, 2019;

21 **WHEREAS**, the Village Manager promptly notified the Village Commission of the
22 resignation and vacancy during a special commission meeting held the following day on
23 October 17, 2019;

24 **WHEREAS**, more than six (6) months are remaining in this unexpired Commission
25 term; and

26 **WHEREAS**, Section 2.05 of the Village Charter requires such a vacancy to be filled
27 pursuant to a special election to occur within forty-five (45) days from the date from the date of
28 said vacancy, or as soon as allowed by the Miami-Dade County Supervisor of Elections
29 (“Miami-Dade SOE”), but in no case to exceed ninety (90) days; and

30 **WHEREAS**, Section 5.01 of the Village Charter, states that special elections, when
31 required, shall be scheduled by the Commission at such times and in such manner as shall be
32 consistent with the Village Charter; and

1 **WHEREAS**, Section 100.151, Florida Statutes requires the Village to first provide
2 notice to the Miami-Dade SOE of the need to call a special election to obtain consent as to an
3 election date prior to calling the special election; and

4 **WHEREAS**, the Village Clerk has notified the Miami-Dade SOE of the need to hold a
5 special election to fill the current vacancy on the Village Commission; and

6 **WHEREAS**, the Miami-Dade SOE has provided the Village with a proposed tentative
7 special election date of January 07, 2020; and

8 **WHEREAS**, Section 100.342, Florida Statutes, requires the Village to publish notice of
9 the special election in a newspaper of general circulation within the Village at least twice, once
10 in the fifth week and once in the third week prior to the week in which the special election is to
11 be held; and

12 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**
13 **VILLAGE OF BISCAYNE PARK, FLORIDA, that:**

14 **Section 1.** **Recitals.** The above recitals are confirmed, adopted, and incorporated
15 herein and made a part hereof by this reference.

16 **Section 2.** **Special Election Called; Date and Time.** In accordance with the
17 provisions of the Village Charter and the applicable laws of the State of Florida, a special
18 election is hereby called and directed to be held in the Village of Biscayne Park, Florida from
19 7:00 a.m. to 7:00 p.m. on Tuesday, January 07, 2020, for the purpose of submitting qualifying
20 candidates to the Village’s electorate to fill the vacancy on the Village Commission.

21 **Section 3.** **Candidate Qualifying.** The candidate qualifying for the Village of
22 Biscayne Park Commissioner shall commence at 9:00 AM on Wednesday, November 13, 2019
23 and shall end on Friday, November 22, 2019 at 5:00 PM.

24 **Section 4.** **Notice of Special Election.** The Village Clerk must coordinate
25 publishing the notice of special election in a substantially similar form as provided below:

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**VILLAGE OF BISCAYNE PARK, FLORIDA
NOTICE OF SPECIAL ELECTION
ON TUESDAY, JANUARY 14, 2020**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE VILLAGE OF BISCAYNE PARK, FLORIDA (THE "VILLAGE"), WILL CALL A SPECIAL ELECTION ON TUESDAY, JANUARY 07, 2020, WHICH TIME THE QUALIFIED ELECTORATE OF THE VILLAGE SHALL VOTE TO FILL ONE (1) VACANT AT-LARGE SEAT ON THE VILLAGE COMMISSION WITH A QUALIFYING CANDIDATE.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT THE VILLAGE CLERK FOR THE VILLAGE OF BISCAYNE PARK VIA EMAIL AT VILLAGECLERK@BISCAYNEPARKFL.GOV OR BY PHONE AT (305) 899-8000.

Section 5. Publication Dates for Notice of Special Election. That Village Clerk must publish the Notice of Special Election in newspaper of general circulation on the following dates:

**Date for 1st publication, November 12, 2019
Date for 2nd publication, December 16, 2019**

Section 6. Polling Location. The polling location for the special election shall be:

Village of Biscayne Park
Ed Burke Recreation Center
11400 NE 9th Court
Biscayne Park, Florida 33161

Section 7. Registration to Vote. Registration of persons desiring to vote in the special election shall be in accordance with the general law of the State of Florida governing voter registration. All persons eligible to vote at this special election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the requisite registration form and returning same to the Miami-Dade County Elections Office. All

1 questions concerning voter registration should be directed to Miami-Dade County Elections
2 Office, 2700 N.W. 8th Avenue, Doral, Florida 33172; Telephone (305) 499-VOTE (8683).

3 **Section 8.** **Absentee Voters.** The absentee voters participating in said special
4 election shall be entitled to cast their ballot in accordance with the provisions of the Law of the
5 State of Florida with respect to absentee voting.

6 **Section 9.** **Election Expenses.** The Village of Biscayne Park, Florida shall pay all
7 expenses for conducting this special election and will pay such expenses to Miami-Dade
8 County or directly to all persons or firms, upon receipt of invoice or statement approved by the
9 Miami-Dade County SOE.

10 **Section 10.** **Authorization of Village Officials.** The Village Manager, Village
11 Attorney, and Village Clerk are hereby authorized to take all steps necessary to complete the
12 execution and implementation of the terms and purposes of this Resolution.

13 **Section 11.** **Village Canvassing Board.** The special election shall be canvassed by
14 the Village Canvassing Board, in accordance with Section 2-33 of the Village Code.

15 **Section 12.** **Severability.** If any section, sentence, clause or phrase herein is held to
16 be invalid by any court of competent jurisdiction, then said holding shall in no way affect the
17 validity of the remaining portions of this Resolution.

18 **Section 13.** **Effective Date.** This Resolution shall become effective immediately
19 upon its adoption.

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PASSED AND ADOPTED this 24th day of October, 2019.

Motion by Commissioner _____, second by Commissioner _____.

The foregoing resolution upon being put to a vote, the vote was as follows:

Mayor Truppman:
Vice-Mayor Samaria:
Commissioner Johnson-Sardella:
Commissioner Tudor:

Tracy Truppman, Mayor

Attest:

Roseann Prado, Village Clerk

Approved as to form:

Rebecca A. Rodriguez, Village Attorney

**VILLAGE OF BISCAYNE PARK
SPECIAL ELECTION - 2019-2020
SCHEDULE OF MEETING, EVENTS AND REQUIRED ACTIONS**

Date	Description
Thursday, October 24, 2019	Commission Meeting: Resolution 2019-26 passed calling for the special election and setting the qualifying dates and election date.
Friday, October 25, 2019	Submittal of adopted Resolution to the Miami-Dade County Supervisor of Elections.
Tuesday, November 5, 2019	Commission Meeting
Tuesday, December 3, 2019	Commission Meeting
Tuesday, November 12, 2019	Publication of required notice no. 1 of Special Election to fill a vacancy (FS 100.141) in newspaper.
Wednesday, November 13, 2019	Qualification period begins.
Friday, November 22, 2019	Qualification period ends.
Monday, December 16, 2019	Publication of required notice no. 2 of Special Election fo fill a vacancy (FS 100.141) in newspaper (Sample ballot)
Tuesday, January 7, 2020	SPECIAL ELECTION
Friday, January 17, 2020	Official results received (latest)
Tuesday, January 21, 2020	In case of a deadlock and need a Run-Off election
Tuesday, February 4, 2020	Commission Meeting: Installation of new Commissioner



ESTIMATE

Village of Biscayne Park - Stand Alone Election - January 2020

Roseann Prado, CMC
 Village of Biscayne Park
 640 NE 114 Street
 Biscayne Park, FL 33161

Estimate N°: BP-SA-012020
 Estimate Date: October 22, 2019

Registered Voters:	2,200	Early Voting Days:	0
Precincts:	2	Early Voting Sites:	0
Polling Places:	1		
Permanent Absentee Ballots:	305		

Personnel		\$	6,998.16
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>			
Polling Places			1,310.00
<i>Security, Polling Place Rentals</i>			
Supplies and Services			112.05
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>			
Trucks and Vehicles			710.00
<i>Truck Rentals, GSA Vehicles</i>			
Printing and Advertising			1,166.00
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>			
Postage			640.00
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>			
Ballot Creation			2,410.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>			
Administrative Overhead			1,334.62
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>			
Early Voting			-
<i>Estimated at \$3,200 per requested number of sites and days</i>			
		*TOTAL	\$ 14,680.83

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Rena A. Saiter
 Assistant Deputy, SOE Finance and Administration
 Miami-Dade Elections Department
 2700 NW 87 Avenue
 Miami, Florida 33172
 Office: 305-499-8424 E-mail: ras@miamidade.gov

Select Year:

The 2019 Florida Statutes

[Title IX](#)

[Chapter 100](#)

[View Entire Chapter](#)

ELECTORS AND ELECTIONS

GENERAL, PRIMARY, SPECIAL, BOND, AND REFERENDUM ELECTIONS

100.151 **Special elections called by local governing bodies, notice.**—County commissioners or the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his or her consent obtained as to a date when the registration books can be available.

History.—s. 4, ch. 26870, 1951; s. 2, ch. 65-60; s. 16, ch. 89-338; s. 547, ch. 95-147.

Select Year:

The 2019 Florida Statutes

[Title IX](#)

[Chapter 100](#)

[View Entire Chapter](#)

ELECTORS AND ELECTIONS

GENERAL, PRIMARY, SPECIAL, BOND, AND REFERENDUM ELECTIONS

100.342 Notice of special election or referendum.—In any special election or referendum not otherwise provided for there shall be at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality, as the case may be. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. If there is no newspaper of general circulation in the county, district, or municipality, the notice shall be posted in no less than five places within the territorial limits of the county, district, or municipality.

History.—s. 1, ch. 59-335; s. 2, ch. 65-60; s. 12, ch. 77-175.

Select Year:

The 2019 Florida Statutes

[Title IX](#)

[Chapter 100](#)

[View Entire Chapter](#)

ELECTORS AND ELECTIONS

GENERAL, PRIMARY, SPECIAL, BOND, AND REFERENDUM ELECTIONS

100.141 Notice of special election to fill any vacancy in office.—

(1) Whenever a special election is required to fill any vacancy in office, the Governor, after consultation with the Secretary of State, shall issue an order declaring on what day the election shall be held and deliver the order to the Department of State.

(2) The Department of State shall prepare a notice stating what offices are to be filled in the special election, the dates set for the special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the petition process pursuant to s. [99.095](#), and the dates fixed for filing campaign expense statements.

(3) The department shall deliver a copy of such notice to the supervisor of elections of each county in which the special election is to be held. The supervisor shall have the notice published two times in a newspaper of general circulation in the county at least 10 days prior to the first day set for qualifying for office. If such a newspaper is not published within the period set forth, the supervisor shall post at least five copies of the notice in conspicuous places in the county not less than 10 days prior to the first date set for qualifying.

*History.—*s. 6, ch. 3879, 1889; RS 160; s. 7, ch. 4328, 1895; GS 177; RGS 221; CGL 256; s. 3, ch. 25383, 1949; s. 1, ch. 26329, 1949; s. 4, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 12, ch. 77-175; s. 14, ch. 90-315; s. 13, ch. 99-318; s. 21, ch. 2005-277; s. 14, ch. 2005-286.

*Note.—*Former s. 98.10.

Select Year:

The 2019 Florida Statutes

[Title IX](#)

[Chapter 100](#)

[View Entire Chapter](#)

ELECTORS AND ELECTIONS

GENERAL, PRIMARY, SPECIAL, BOND, AND REFERENDUM ELECTIONS

100.181 Determination of person elected.—The person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.

History.—s. 7, ch. 20872, 1941; s. 4, ch. 26329, 1949; s. 4, ch. 26870, 1951; s. 24, ch. 77-104; s. 12, ch. 77-175.

Note.—Former s. 98.49.

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ELECTORS AND ELECTIONS

GENERAL, PRIMARY, SPECIAL, BOND, AND REFERENDUM ELECTIONS

100.3605 Conduct of municipal elections.—

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

History.—s. 2, ch. 95-178.