

ORDINANCE No. 2025-32

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 11 "CODE ENFORCEMENT" OF THE CITY'S CODE OF ORDINANCES, TO CLARIFY INSPECTION AUTHORITY OF NON-RESIDENTIAL PROPERTIES; TO PROVIDE FOR ENFORCEMENT LIMITATIONS BASED ON ANONYMOUS COMPLAINTS PURSUANT TO FLORIDA STATUTES; AND TO AUTHORIZE ENHANCED CODE ENFORCEMENT FINES PURSUANT TO FLORIDA STATUTES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") has established a Code Compliance Department to enforce municipal ordinances and ensure the health, safety, and welfare of the community; and

WHEREAS, Chapter 11 of the City Code sets forth the City's code enforcement process, including the appointment of a special magistrate, enforcement procedures, and the imposition of fines and liens; and

WHEREAS, Florida law, including Chapter 162, Florida Statutes, authorizes municipalities to create code enforcement systems and establish procedures for inspecting properties, issuing notices of violation, and assessing civil penalties; and

WHEREAS, the City seeks to clarify the authority of Code Compliance Officers to enter and inspect non-residential properties at reasonable times to identify violations of city codes and regulations that may pose threats to public health, safety, or welfare; and

WHEREAS, such inspection authority is essential to the proactive enforcement of building, life safety, and operational standards applicable to commercial establishments; and

WHEREAS, the City also seeks to comply with F.S. § 162.21(3)(b), which prohibits local code enforcement officers from initiating investigations based on anonymous complaints unless the alleged violation poses an imminent threat to public health, safety, welfare, or sensitive environmental resources; and

WHEREAS, the inclusion of this statutory limitation within the City Code promotes transparency, accountability, and consistency in enforcement actions while protecting residents' due process rights; and

WHEREAS, F.S. § 162.09(2)(d) grants municipalities with populations over 50,000 the authority for the special magistrate to impose enhanced daily fines for violations, up to \$1,000 per day for a first offense, \$5,000 per day for repeat offenses, and \$15,000 for irreparable or irreversible violations; and

WHEREAS, the City of Doral has a population in excess of 50,000 residents and desires to adopt the enhanced fine structure to ensure meaningful enforcement of serious or repeat violations that endanger the public or undermine the integrity of city regulations; and

WHEREAS, the City Council finds that the proposed amendments to Chapter 11 are in the best interest of the residents of the City of Doral, and are necessary to protect the community, promote voluntary compliance, and provide effective enforcement tools.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

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Section 2. Addition to Chapter 11 of the City Code. That Chapter 11, "Code Enforcement," Article I, "In General", Section 11-5, "Authority of Code Compliance Officers to Inspect Non-Commercial Premises," of the City Code of Ordinances is hereby added to the City of Doral Code of Ordinances, which shall read as follows:

Sec. 11-5. Authority of Code Compliance Officers to Inspect Non-Residential Premises.

- (a) Right of Entry. Code compliance officers are authorized to enter and inspect any non-residential property, premise, building, structure, or lot within the City's jurisdiction at any reasonable time for the purpose of ensuring compliance with all applicable City ordinances, the Florida Building Code, and public health and safety regulations. For purposes of this section, "Reasonable Time" shall be interpreted in relation to the normal operating and, or occupancy hours and the nature of the non-residential use.
- (b) Obstruction Prohibited. Owners, tenants, business operators, or persons in control of any non-residential property, premise, building, structure, or lot within the City's jurisdiction shall not deny or obstruct entry to a code compliance officer conducting an official inspection authorized by this section. Refusal to allow lawful entry shall constitute a violation subject to enforcement under this chapter.
- (c) Scope of Inspection. Inspections may be conducted for any lawful purpose, including but not limited to:
 - (1) Identifying hazardous or unsafe conditions that pose a risk to public health, safety, or welfare;
 - (2) Investigating potential code violations or complaints;
 - (3) Verifying compliance with license or certificate of use requirements;
 - (4) Enforcing provisions of the Florida Building Code, municipal ordinances, and other applicable regulations.
- (d) Constitutional Compliance. Nothing in this section shall be construed to permit entry into areas not open to the public without consent, an administrative inspection warrant, or other legal authority as required by law.
- (e) Penalties.
 - (1) Any person who refuses or obstructs a lawful inspection under this section shall be subject to a civil fine of five hundred dollars (\$500.00) per offense.
 - (2) In addition or as an alternative, the city may pursue suspension or revocation of a business tax receipt or certificate of use, seek equitable and injunctive relief or refer the matter to the special magistrate.

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Section 3. Amendment to Chapter 11 of the City Code. That Chapter 11, "Code Enforcement," Article III, "Enforcement Procedure", Section 11-47, "Established," of the City Code of Ordinances is hereby amended to the City of Doral Code of Ordinances, which shall read as follows:

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances. No special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d) of this section, if a violation of a city or county ordinance or code is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify a special magistrate and request a hearing. A hearing shall be scheduled and written notice of such hearing shall be hand delivered or mailed as provided in this section to the violator. At the option of the special magistrate, notice may additionally be served by publication or posting as provided in this section. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to a special magistrate even if the violation has been corrected prior to the scheduled hearing, and the notice shall so state.
- (c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify a special magistrate and request a hearing. The special magistrate, through the city clerk's office, shall schedule a hearing and shall provide notice pursuant to this section. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the scheduled hearing, and the notice shall so state. If the repeat violation has been corrected, the special magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay the costs as determined by the special magistrate.
- (d) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing.
- (e) If the owner of property which is subject to an enforcement proceeding before a special magistrate or a court transfers ownership of such property

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between the time the initial pleading was served and the time of the special magistrate hearing, such owner shall:

- (1) Disclose, in writing, the existence and nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and the materials relating to the code enforcement proceeding received by the transferor.
 - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File notice in writing with the code enforcement official disclosing the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer. A failure to make the disclosures described in subsections (e)(1), (2), and (3) of this section before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.
- (f) In addition to notifying the violator as provided in subsections (b), (c) and (d) of this section, the code inspector, clerical staff or other persons designated by the city manager may also provide notice by mail or other means to the mortgage holders, other persons or entities having an interest in the subject property.
- (g) In accordance with F.S. § 162.21(3)(b), a code compliance officer may not initiate an investigation of a potential violation based on an anonymous complaint. A person who reports a potential violation must provide their name and address before an investigation may proceed. This requirement does not apply if the officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare, or an imminent risk of destruction of habitat or sensitive resources.

Section 4. Amendment to Chapter 11 of the City Code. That Chapter 11, "Code Enforcement," Article III, "Enforcement Procedure", Section 11-49, "Fine," of the City Code of Ordinances is hereby amended to the City of Doral Code of Ordinances, which shall read as follows:

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- (a) A special magistrate, upon notification by the code inspector that an order previously issued in a case has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues beginning with the date the repeat violation is found by the code inspector to have occurred.
- (b) In addition, if the violation is a violation described in [section 11-47\(d\)](#), the special magistrate shall notify the city manager, which may make all reasonable repairs required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city council to make further repairs or to maintain the property and does not create any liability against the city council for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If after due notice and hearing a special magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (c) of this section.
- (c) In addition to such fines, a special magistrate may impose additional fines to cover all costs incurred by the city council in enforcing its or the county's codes and all costs of repairs pursuant to subsections (a) and (b) of this section.
- (d) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. In addition, the special magistrate may include all costs of repairs pursuant to subsection (c) of this section. However, if the special magistrate finds the violation to be irreparable or irreversible in nature, he may impose a fine not to exceed \$5,000.00 per violation.
- (e) In accordance with F.S. § 162.09(2)(d), the special magistrate may impose increased fines in excess of the limits set forth in subsection (d) when the municipality has a population greater than 50,000. Such fines shall not exceed the following:
 - (1) Up to \$1,000.00 per day for a first violation;
 - (2) Up to \$5,000.00 per day for a repeat violation;
 - (3) Up to \$15,000.00 per violation if the special magistrate finds the violation to be irreparable or irreversible in nature.

- (e)(f) In determining the amount of the fine, if any, the special magistrate shall consider the following factors:

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- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

~~(f)~~(g) A special magistrate may reduce a fine imposed pursuant to this section.

~~(g)~~(h) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property; but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this article shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first.

~~(h)~~(i) A lien arising from a fine imposed pursuant to this section runs in favor of the city council. The city manager shall have the authority to execute a satisfaction or release of lien entered pursuant to this section upon full payment of such.

~~(i)~~(j) After three months from the filing of any lien which remains unpaid, the special magistrate may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this article may be foreclosed on real property which is a homestead under Fla. Const., art. X, § 4.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, work or amount of this Ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 6. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

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

Mayor Christi Fraga	_____
Vice Mayor Maureen Porras	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 10 day of September, 2025.

PASSED AND ADOPTED on SECOND READING this 8 day of October, 2025.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY

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