

**MEMORANDUM**

HPSC  
Substitute to  
Agenda Item No. 2(N)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** February 15, 2007

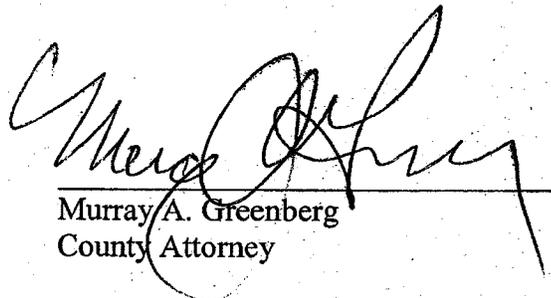
**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance amending  
Section 21-30 of the  
Code of Miami-Dade  
County which prohibits  
damage or destruction  
of property

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The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

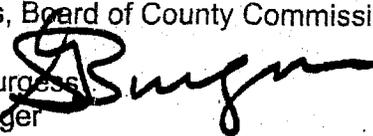
This substitute differs from the original in that it eliminates the requirement for minimum mandatory sentences, to reduce the fine from \$1,000 to \$500, to reduce the maximum sentence for a subsequent offense from 60 days to 30 days, and to eliminate the imposition of a lien upon property of parents or legal guardians for unpaid fines or restitution resulting from violations of this ordinance committed by a minor.

  
Murray A. Greenberg  
County Attorney

MAG/jls

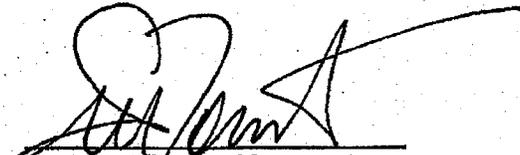
# Memorandum

MIAMI-DADE  
COUNTY

**Date:** December 5, 2006  
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
**From:** George M. Burgess   
County Manager  
**Subject:** Ordinance Amending Section 21-30 of the Code which Prohibits Damage or  
Destruction of Property

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The ordinance amending Section 21-30 of the Code of Miami-Dade County which prohibits damage or destruction of property will not have a fiscal impact to Miami-Dade County. Enforcement will be done with existing County staff.

  
Assistant County Manager

Fiscal00106

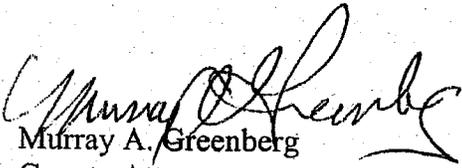


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** December 5, 2006

**FROM:**   
Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

1-23-07

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 21-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, WHICH PROHIBITS DAMAGE OR DESTRUCTION OF PROPERTY SO AS TO DEFINE OWNERSHIP OF SUCH PROPERTY AND PROVIDE FOR PENALTIES AND RESTITUTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AN EFFECTIVE DATE, AND ABSENCE OF SUNSET PROVISION.

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

Section 1. Section 21-30 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 21-30. Offenses against public and private property.**

>>(a)<<No person in the County shall:

- (1) Willfully, maliciously, wantonly or otherwise injure, deface, destroy or remove real property or improvements thereto, or movable or personal property, belonging to the County, any municipality in the County, >>any state or Federal agency in the County,<< or to any person in the County. >>For the purpose of this ordinance, "person" shall include any individual or entity as defined by Section 1.01(3) of the Florida Statutes.<<

\* \* \*

>>(b) Any person violating this ordinance shall: be punished by a fine not to exceed five hundred dollars (\$500) for the first offense and each subsequent offense and by imprisonment in the County jail for a term not to exceed ten (10) days for the first offense and thirty (30) days for

<sup>1</sup> 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.

each subsequent offense. In addition to such punishment, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in the amount or manner determined by the Court. In the case of a minor, the parents or legal guardian shall be jointly and severably liable, with the minor for payment of all fines and restitution. Failure of the violator to pay the fine or restitution shall be punished by an additional term of imprisonment in the County jail not to exceed twenty (20) days.

(c) This ordinance shall be applicable in incorporated and unincorporated areas of Miami-Dade County.<<

Section 2. 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 3. 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 4. 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:



Prepared by:



Roy Wood

Sponsored by Senator Javier D. Souto

