

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTERS 18, 22, 26, 34, 38, 46, 54, 74, AND 78 AT VARIOUS SECTIONS TO CHANGE SPECIAL MASTER TO SPECIAL MAGISTRATE; AMENDING SECTION 26-31 TO PERMIT RETIRED JUDGES FROM ALL JURISDICTIONS TO SERVE AS SPECIAL MAGISTRATES AND UPDATING APPOINTMENT PROVISIONS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City's Code of Ordinances (the Code) contains numerous sections providing for proceedings before a special "master"; and

WHEREAS, Chapter 162, Florida Statutes, relating to code enforcement has been amended to refer to special "magistrates" rather than special "masters"; and

WHEREAS, Sec. 26-31 of the Code limits eligibility to serve as special master to attorneys who are members of The Florida Bar; and

WHEREAS, from time to time the City has the opportunity to obtain the services of retired judges from other jurisdictions, as well as Florida; and

WHEREAS, various provisions of Sec. 26-31 are inconsistent with practices that have been established over time; and

WHEREAS, the City Commission finds that it is in the best public interest to make the Code consistent with the Florida Statutes, to allow retired judges from all jurisdictions to serve as special magistrates; and to update Sec. 26-31.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission of the City of West Palm Beach, Florida hereby amends Chapters 18, 22, 26, 34, 38, 45, 54, 74, and 78 to change all provisions referring to special "master" to special "magistrate." Such amendment includes sections: 18-216; 18-233; 18-265; 22-39; 26-31; 34-42; 34-104; 34-105; 38-73; 46-40; 54-87; 54-202; 74-127; 78-350; 78-436; 78-437; 78-485; and any other section of the Code which may have inadvertently been omitted from reference.

SECTION 2: Sec. 26-31 is amended to read as follows:

Sec. 26-31. Special ~~master~~ magistrate; ~~term~~.

(a) There is hereby established a special ~~master~~ magistrate, who shall be designated by the city commission.

~~(b) — The special master shall be appointed for a term of two years.~~

~~(c)~~(b) The special ~~master~~ magistrate shall be an attorney and a member of the Florida Bar; a special magistrate may also be a retired judge from Florida or other jurisdictions.

~~(d) The special master shall be removed from office by the city commission upon the filing of written charges and after public hearing.~~

(c) The special master magistrate shall preside over code enforcement matters ~~once a month, or more often if necessary,~~ red light camera hearings and other matters identified in the Code as appropriate for hearing before a special magistrate.

~~(d)(f)~~ Minutes shall be maintained at all hearings presided over by the special ~~master~~ magistrate; all hearings shall be open to the public. The city shall provide clerical and administrative personnel as may be required by the special ~~master~~ magistrate for the proper performance of his duties.

~~(e)(g)~~ The city attorney or his designee shall represent the city by presenting cases before the special ~~master~~ magistrate.

SECTION 3: Specific authority is hereby granted to codify this ordinance.

SECTION 4: In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution or policy of the city, the provisions of this ordinance shall control.

SECTION 5: Should any section or provision of this ordinance or any portion, paragraph, sentence or word in this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

FIRST READING THIS 21st DAY OF JANUARY, 2014.

SECOND READING AND FINAL PASSAGE THIS 3RD DAY OF FEBRUARY 2014.

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION

(CORPORATE SEAL)

PRESIDING OFFICER

ATTEST:

CITY CLERK

CITY ATTORNEY'S OFFICE
Approved as to form and legality
By: _____