

Sec. 2-391. - Special magistrates.

- (a) *Alternative proceedings.* In lieu of having the code enforcement board hear and decide code violations, the city commission may appoint one or more special magistrates to hear and dispose of such matters. Special magistrates shall have the same status, jurisdiction and authority as the code enforcement board. All references to the code enforcement board in the Gainesville Code of Ordinances shall apply to the special magistrate, except that no section 2-384 legal counsel shall be appointed for magistrate hearings.
- (b) *Minimum qualifications.* The minimum qualifications to be eligible for service as a special magistrate are as stated below. In addition, the city may specify further required qualifications in its solicitation for special magistrates.
- (1) Be an active member in good standing of the Florida Bar with a minimum of five years recent experience practicing law, which experience shall include litigation and administrative hearing experience.
 - (2) Reside in Alachua County.
 - (3) Not be an employee of the city or hold any office with the city government, nor hold any other elective or appointive office in the county or state while serving as special magistrate.
 - (4) Comply with the Code of Ethics of the State of Florida.
- (c) *Solicitation and appointment.* Eligible candidates for special magistrate shall be solicited through a request for proposals, or other competitive solicitation pursuant to the city's purchasing policy and procedures. The selection committee shall evaluate and make recommendations to the city commission for the appointment of special magistrates. Terms of appointment and compensation for the special magistrates shall be established pursuant to a contract approved by the city commission. The city commission may appoint up to two alternate special magistrates to serve in the event of legal conflict of interests or in the absence of the special magistrate.
- (d) *Additional duties.* The city commission may, by ordinance and contract, specify that the special magistrate appointed under this section shall perform additional duties as a hearing officer conducting quasi-judicial hearings on other matters concerning the City Code of Ordinances.
- (e) *Removal.* The special magistrate shall serve at the pleasure of the city commission and may be removed from service at any time, with or without cause, by a majority vote of a quorum of the city commission.
- (f) *Conflicts.* In the event a legal conflict of interest prevents the special magistrate and any alternate special magistrate from hearing a case, the city manager, notwithstanding the language of section 2-391(b)(2) above, may contract with any current special magistrate of another Florida jurisdiction to hear the case.

(Ord. No. 121102, § 2, 8-1-13)

Editor's note— Prior to the reenactment of § 2-391 by Ord. No. 121102, Ord. No. 020196, § 16, adopted Sept. 9, 2002, repealed § 2-391 which pertained to calling of hearings and derived from Code 1960, § 29B-16.