

31 effective, and inexpensive method of enforcing any applicable codes, where a pending or
32 repeated violation continues to exist. The board and special magistrate would not exercise such
33 powers concurrently, but rather the city commission would by resolution adopted from time to
34 time, specify whether the board or the special magistrate is authorized to exercise such powers.
35 This division is specifically authorized by F.S. Ch. Chapter 162, Florida Statutes, known as the
36 Local Government Code Enforcement Boards Act.

37 **Sec. 2-378. - Definitions.**

38 As used in this chapter:

39 Special Magistrate shall mean a person authorized to hold quasi-judicial hearings and
40 assess fines against violators of the city code of ordinances and such other authority as may be
41 conferred by Chapter 162, Florida Statutes, or any other law.

42 **Section 2.** A new Sec. 2-391 titled Special Magistrates is created to read as follows:

43 **Sec. 2-391. Special Magistrates**

44 (a) Alternative proceedings. In lieu of having the code enforcement board hear and
45 decide code violations, the city commission may appoint one or more special magistrates
46 to hear and dispose of such matters. Special magistrates shall have the same status,
47 jurisdiction and authority as the code enforcement board. All references to the code
48 enforcement board in the Gainesville code of ordinances shall apply to the special
49 magistrate, except that no Sec. 2-384 legal counsel shall be appointed for magistrate
50 hearings.

51 (b) Minimum qualifications. The minimum qualifications to be eligible for service as a
52 special magistrate are as stated below. In addition, the city may specify further required
53 qualifications in its solicitation for special magistrates.

54 (1) Be an active member in good standing of the Florida Bar with a minimum of five
55 (5) years recent experience practicing law, which experience shall include
56 litigation and administrative hearing experience.

57 (2) Reside in Alachua County.

58 (3) Not be an employee of the city or hold any office with the city government, nor
59 hold any other elective or appointive office in the county or state while serving as
60 special magistrate.

61 (4) Comply with the Code of Ethics of the State of Florida.

62 (c) Solicitation and appointment. Eligible candidates for special magistrate shall be solicited
63 through a request for proposals, or other competitive solicitation pursuant to the city's
64 purchasing policy and procedures. The selection committee shall evaluate and make
65 recommendations to the city commission for the appointment of special magistrates.
66 Terms of appointment and compensation for the special magistrates shall be established
67 pursuant to a contract approved by the city commission. The city commission may
68 appoint up to two alternate special magistrates to serve in the event of legal conflict of
69 interests or in the absence of the special magistrate.

70 (d) Additional duties. The city commission may, by ordinance and contract, specify that the
71 special magistrate appointed under this section shall perform additional duties as a
72 hearing officer conducting quasi-judicial hearings on other matters concerning the city
73 code of ordinances.

74 (e) Removal. The special magistrate shall serve at the pleasure of the city commission and
75 may be removed from service at any time, with or without cause, by a majority vote of a
76 quorum of the city commission.

77 (f) Conflicts. In the event a legal conflict of interest prevents the special magistrate and any
78 alternate special magistrate from hearing a case, the city manager, notwithstanding the
79 language of sec.2-391.1(a)(2) above, may contract with any current special magistrate of
80 another Florida jurisdiction to hear the case.

81 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
82 and 2 shall become and be made a part of the Code of Ordinances of the City of Gainesville,
83 Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered
84 in order to accomplish such intentions.

85 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to
86 be invalid or unconstitutional by any court of competent jurisdiction, then said holding
87 shall in no way affect the validity of the remaining portions of this ordinance.

88 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the
89 extent of such conflict hereby repealed.

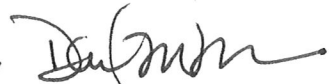
90 **Section 6.** This ordinance shall take effect immediately upon final adoption.

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92 **PASSED AND ADOPTED** this 1st day of August, 2013.

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96 _____
97 EDWARD B. BRADDY
98 MAYOR

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100 ATTEST:

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102 
103 _____
104 KURT M. LANNON
105 CLERK OF THE COMMISSION

106
107 
108 for/ _____
109 NICOLLE M. SHALLEY
110 CITY ATTORNEY

107 This Ordinance passed on first reading this 18th day of July, 2013.

108 This Ordinance passed on second reading this 1st day of August, 2013.