



Legislation Text

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Strategic Initiative 6.1 - Develop Creative Ways to Measure Progress in Code Enforcement (B)

This item outlines the responsibilities of the Special Magistrate for Code Enforcement, proposes an implementation process, and directs the City Attorney to draft required ordinance(s) to implement the Special Magistrate for Code Enforcement.

On September 20, 2012, the City Commission approved the Community Development Committee's recommendation to implement a Special Magistrate for Code Enforcement in lieu of the currently utilized Code Enforcement Board. The following information will outline the proposed responsibilities of the Special Magistrate and propose an implementation process including the sunset of the Code Enforcement Board.

F.S.ch.162, Pt. I, authorizes the City of Gainesville to adopt a Code Enforcement system that gives Special Magistrates designated by the local governing body, the authority to hold hearings and assess fines against violators of city codes and ordinances. The City Commission, by approving the recommendation of the Community Development Committee, has given staff direction to implement such a system in lieu of the Code Enforcement board. The Special Magistrate shall be an attorney, licensed to practice law in the State of Florida, a resident of Alachua County, and in good standing with the Florida Bar Association. The Special Magistrate will have all powers granted under F.S.ch.162, Pt. I, including:

1. Adopt rules for the conduct of its hearings;
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality;
3. Subpoena evidence to its hearings;
4. Take testimony under oath; and
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

The following sections of Ch. 2, Div. 8 of the City of Gainesville Code of Ordinance will remain the same except as modified, when required, to reference the Special Magistrate:

2-377 Applicability; Jurisdiction
2-385 Enforcement Procedures
2-387 Hearing; Proceeding; Orders
2-388.1 Administrative Fines; Costs of Repair; Liens
2-388.2 Duration of Lien
2-389 Appeals
2-390 Notices

The Special Magistrate will have the same jurisdiction as the Code Enforcement Board as provided in Section 2-377 of the City of Gainesville Code of Ordinances.

When the required ordinance(s) are adopted and an implementation plan approved, staff will issue a Request for Proposals for a Special Magistrate and an alternate to serve in the absence of the Special Magistrate. The selected candidate will be offered a one-year contract with three one-year optional extensions. Once a Special Magistrate is selected, the Magistrate will work with staff for a period of no longer than (60) sixty days to acclimate with city staff, city codes and ordinances, city processes and policies, etc. At the conclusion of the (60) sixty days the Code Enforcement Board will sunset and the Special Magistrate will assume the board's duties and responsibilities. The regular Special Magistrate hearing will continue to be scheduled for the second Thursday of each month at 9:00AM with additional hearings scheduled as needed to accommodate work load.

The City Commission has included a funding in the FY2013/14 budget for the Special Magistrate.

The City Commission: 1) direct the City Attorney to draft an ordinance to implement the Special Magistrate for Code Enforcement; and 2) once the required ordinance is approved, direct staff to issue a RFP for the Special Magistrate for Code Enforcement and begin the process of sun setting the Code Enforcement Board.