

Sec. 30-72. - Conduct of hearings.

- (a) Upon request of the code inspector or at such other times as may be necessary, the special master may call hearings. The special master at any hearing may set a future hearing date. The special master shall attempt to convene no less frequently than once every month but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings, and all hearings shall be open to the public. The city manager shall provide clerical and administrative personnel as may be reasonably required for the proper performance of the special master's duties. If the local governing body prevails in prosecuting a case before the special master, it shall be entitled to recover all costs and fees incurred in prosecuting the case before the special master, including, but not limited to, costs for enforcement, inspections, preparation of enforcement reports, photographs, testing, monitoring, title search, postage, service of notice and or orders, translator, audio/video of proceeding, recordings, administrative and clerical costs, special master fees as approved by a resolution of the city commission, and hearing facility costs; such costs and fees may be included in the lien authorized under F.S. § 162.09(3).
- (b) Except as provided in article II of this chapter, the special master shall proceed to hear the cases on the agenda for that day and shall take testimony from the code inspector and alleged violator. All testimony shall be under oath and shall be recorded. **Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern said proceedings.**
- (c) At the conclusion of the hearing, the special master shall issue findings of fact based on evidence and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted herein. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed if the order is not complied with by that date, and, under the conditions specified in section 30-74, the cost of repairs may be included along with the fine if the order is not complied with by the specified date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchases, successors in interests, or assigns. If an order is recorded in the public records pursuant to this section and the order is complied with by the date specified in the order, the special master shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(Code 1964, § 9B-7; Ord. No. 2000-3236, § 1, 5-10-00; Ord. No. 2010-3696, § 2, 9-20-10)

State Law reference— Similar provisions, F.S. § 162.07.