

**RESOLUTION NO. R-13-197**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA PROVIDING FOR THE APPOINTMENT OF COUNTY HEARING OFFICERS FROM THE REVISED GENERAL LIST FOR ADMINISTRATIVE HEARINGS AS REQUIRED BY SECTION 304.1 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE AND SECTION 2-2-109 OF THE MANATEE COUNTY CODE OF LAWS; PROVIDING FOR EXISTING STAFF TO PERFORM CLERICAL DUTIES FOR THE LOCAL HEARING OFFICERS FOR ADMINISTRATIVE HEARINGS ON NOTICES OF VIOLATIONS ISSUED PURSUANT TO SECTION 316.0083, FLORIDA STATUTES, AS AMENDED BY CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR THE REPEAL OF RESOLUTION R-13-080; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 304.1 of the Manatee County Land Development Code provides for the appointment of Hearing Officers by the Board of County Commissioners for land use matters; and

**WHEREAS**, Section 2-2-109 of the Manatee County Code of Laws also provides for the appointment of Hearing Officers by the Board of County Commissioners for general due process hearings; and

**WHEREAS**, the appointment of Hearing Officers is necessary and appropriate to conduct County administrative hearings as provided for in various laws or ordinances; and

**WHEREAS**, individual Hearing Officers are appointed as needed from a general list of prospective Hearing Officers; and

**WHEREAS**, Section 316.0083, Florida Statutes, as amended by Chapter 2013-160, Laws of Florida, requires a county to designate by resolution existing staff to serve as the clerk to the local hearing officer; and

**WHEREAS**, Section 2-2-114 of the Manatee County Code of Ordinances contemplates that the clerk of the circuit court will serve as the clerk to the hearing officers as it serves as clerk to the Board of County Commissioners; and

**WHEREAS**, the clerk of the circuit court will not serve as the clerk to the hearing officers under Section 2-2-114 of the Manatee County Code of Ordinances for the administrative hearings on notices of violation issued pursuant to Section 316.0083, Florida Statutes, as amended by Chapter 2013-160, Laws of Florida; and

**WHEREAS**, existing staff employed by Manatee County have previous experience as deputy clerks or have received training from the clerk of the circuit court; and

**WHEREAS**, the Board of County Commissioners desires to designate the hearing officers and the clerk for purposes of the administrative hearings on notices of violation issued pursuant to Section 316.0083, Florida Statutes, as amended by Chapter 2013-160, Laws of Florida; and

**WHEREAS**, the County Attorney has provided updated advice to the Commission regarding qualified local attorneys to act as Hearing Officers; and

**WHEREAS**, the prospective Hearing Officers will be appointed to preside over certain land use matters and due process matters from the lists provided as exhibits to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Manatee County, Florida that:

Section 1. The Board of County Commissioners hereby designates existing staff who have previous experience as deputy clerks or have received training from the clerk of the circuit court to perform clerical duties for the local hearing officers for the administrative hearings on notices of violation issued pursuant to Section 316.0083, Florida Statutes, as amended by Chapter 2013-160, Laws of Florida. Such staff shall perform the duties specified in Section 2-2-114 of the Manatee County Code of Ordinances, except as follows:

- a. All recordings and minutes of hearings conducted by hearing officers shall be filed with the clerk of the circuit court;
- b. All evidence introduced at hearings conducted by hearing officers shall be filed with the clerk of the circuit court; and
- c. All notices of appeal of orders entered by hearing officers shall be filed with the clerk of the circuit court for preparation and certification of the record on appeal.

Section 2. The individuals set forth on Exhibit "A" attached hereto are approved to act as Land Use Hearing Officers for Manatee County, Florida, and to conduct administrative hearings and issue recommended or final administrative orders of the County where authorized, and in accordance with the duties and powers granted to such officers under Section 304.1, *et seq.*, of the Manatee County Land Development Code.

Section 3. The individuals set forth on Exhibit "B" attached hereto are approved to act as Due Process Hearing Officers for Manatee County, Florida, and to conduct administrative hearings and issue recommended or final administrative orders of the County where authorized, and in accordance with the duties and powers granted to such officers under Section 2-2-107, *et seq.*, of the Manatee County Code.

Section 4. Nothing in this resolution shall preclude the Board of County Commissioners from appointing additional Hearing Officers or removing Hearing Officers as it deems necessary.

Section 5. All Hearing Officers will be compensated at an hourly rate of \$200.00 per hour. Travel expenses will not be compensated.

Section 6. Resolution R-13-080 is hereby repealed by this resolution.

Section 7. This resolution shall become effective immediately upon adoption.

**DULY ADOPTED** with a quorum present and voting this 5<sup>th</sup> day of November, 2013.



BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Larry Gustto  
Chairperson

Attest: R. B. SHORE  
Clerk of the Circuit Court

By: R. B. Shore  
Deputy Clerk

**LAND USE HEARING OFFICERS**

<b>Name</b>	<b>Address</b>	<b>Phone Number</b>	<b>Email</b>
Fernandez, Kelly M.	Hankin, Persson et al. 1820 Ringling Blvd. Sarasota, FL 34236	Tel. 941-365-4950	<a href="mailto:kfernandez@sarasotalawfirm.com">kfernandez@sarasotalawfirm.com</a>
Johnson-Velez, Susan	607 West Bay Street Tampa, FL 33606	Tel. 813-254-4150	<a href="mailto:susan@sjvlawfirm.com">susan@sjvlawfirm.com</a>
Radson, Marion	739 NW 23 <sup>rd</sup> Street Gainesville, FL 32607	Tel. 352-256-2767	<a href="mailto:radsonmj@gmail.com">radsonmj@gmail.com</a>
Stotts, Dennis M.	Lewis, Longman & Walker 101 Riverfront Blvd., Ste. 620 Bradenton, FL 34205	Tel. 941-708-4040	<a href="mailto:dstotts@llw-law.com">dstotts@llw-law.com</a>
Wittmer, Meg	Wittmer & Linehan, PLLC 2014 Fourth Street Sarasota, FL 34237	Tel. 941-365-2296 Cell. 941-320-4005	<a href="mailto:mawittmer1@me.com">mawittmer1@me.com</a>

**EXHIBIT "A"**

### DUE PROCESS HEARING OFFICERS

Name	Address	Phone Number	Email
Conn, Donald	Pennington, PA 2701 North Rocky Point Drive, Ste. 900, Tampa, Florida	Tel. 813-639-9599 Cell: 727-641-9963	<a href="mailto:Dconn@penningtonlaw.com">Dconn@penningtonlaw.com</a>
Hawkins, John D. (Jack)	Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano, PL 1023 Manatee Avenue West Bradenton, Florida 34205	Tel. 941-748-0151 Fax. 941-748-0158	<a href="mailto:jhawkins@grimesgoebel.com">jhawkins@grimesgoebel.com</a>
Hoyle, D. Robert	Harrison, Kirkland, Pratt & McGuire, P.A. 1206 Manatee Avenue West Bradenton, Florida 34205	Tel. 941-746-1167 Fax. 941-746-9229	<a href="mailto:drh@manalaw.com">drh@manalaw.com</a>
Peebles, Douglas	Peebles Law Firm, P.A. 1201 6 <sup>th</sup> Avenue West, Ste. 505 Bradenton, Florida 34205	Tel. 941-742-6611 Fax. 941-742-6622	<a href="mailto:dap@peebles.com">dap@peebles.com</a>
Stotts, Dennis, M.	Lewis, Longman & Walker, PA 101 Riverfront Blvd., Ste. 620 Bradenton, Florida 34205	Tel. 941-708-4040 Fax. 941-708-4024	<a href="mailto:dstotts@llw-law.com">dstotts@llw-law.com</a>
Thompson, Steve W.	Najmy Thompson, PL 1401 8 <sup>th</sup> Avenue West Bradenton, Florida 34205	Tel. 941-748-2216 Fax. 941-748-2218	<a href="mailto:sthompson@najmythompson.com">sthompson@najmythompson.com</a>
Wittmer, Meg A.	Wittmer & Linehan, PLLC 2014 Fourth Street Sarasota, Florida 34237	Tel. 941-365-2296 Fax. 941-365-0829	<a href="mailto:mawittmenr@me.com">mawittmenr@me.com</a>

### EXHIBIT "B"

**RESOLUTION NO. R-13-080**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA PROVIDING FOR THE APPOINTMENT OF COUNTY HEARING OFFICERS FROM THE REVISED GENERAL LIST FOR ADMINISTRATIVE HEARINGS AS REQUIRED BY SECTION 304.1 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE AND SECTION 2-2-109 OF THE MANATEE COUNTY CODE OF LAWS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 304.1 of the Manatee County Land Development Code provides for the appointment of Hearing Officers by the Board of County Commissioners for land use matters; and

**WHEREAS**, Section 2-2-109 of the Manatee County Code of Laws also provides for the appointment of Hearing Officers by the Board of County Commissioners for general due process hearings; and

**WHEREAS**, the appointment of Hearing Officers is necessary and appropriate to conduct county administrative hearings as provided for in various laws or ordinances; and

**WHEREAS**, individual Hearing Officers are appointed as needed from a general list of prospective Hearing Officers; and

**WHEREAS**, the County Attorney has provided updated advice to the Commission regarding qualified local attorneys to act as Hearing Officers; and

**WHEREAS**, the prospective Hearing Officers will be appointed to preside over certain land use matters and due process matters from the lists provided as exhibits to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Manatee County, Florida that:

1. The individuals set forth on Exhibit "A" attached hereto are approved to act as Land Use Hearing Officers for Manatee County, Florida, and to conduct administrative hearings and issue recommended or final administrative orders of the County where authorized, and in accordance with

the duties and powers granted to such officers under Section 304.1, *et seq.*, of the Manatee County Land Development Code.

2. The individuals set forth on Exhibit "B" attached hereto are approved to act as Due Process Hearing Officers for Manatee County, Florida, and to conduct administrative hearings and issue recommended or final administrative orders of the County where authorized, and in accordance with the duties and powers granted to such officers under Section 2-2-107, *et seq.*, of the Manatee County Code.

3. Nothing in this resolution shall preclude the Board of County Commissioners from appointing additional Hearing Officers or removing Hearing Officers as it deems necessary.

4. All Hearing Officers will be compensated at an hourly rate of \$200.00 per hour. Travel expenses will not be compensated.

5. Resolutions 12-200 and 13-058 are hereby repealed by this resolution.

6. This resolution shall become effective immediately upon adoption.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Manatee County, Florida with a quorum present and voting this 7<sup>th</sup> day of May, 2013.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: Larry Bustle  
Chairperson



Attest:

R. B. SHORE  
Clerk of the Circuit Court

By: Debra Johnson  
Deputy Clerk

**HEARING OFFICERS**  
**LAND USE**

<b>Name</b>	<b>Address</b>	<b>Phone Number</b>	<b>Email</b>
Fernandez, Kelly M.	Hankin, Persson et al. 1820 Ringling Blvd. Sarasota, FL 34236	941-365-4950	<a href="mailto:kfernandez@sarasotalawfirm.com">kfernandez@sarasotalawfirm.com</a>
Groot, Lonnie N.	Stenstrom, McIntosh et al. 1001 Heathrow Park Ln., Ste. 4001 Lake Mary, FL 32746	407-322-2171 386-748-3685 (c)	<a href="mailto:lgroot@stenstrom.com">lgroot@stenstrom.com</a>
Holtzendorf, Howard	1412 Fairway Drive Tallahassee, FL 32301 831 North Johnson Avenue Arcadia, Florida 34266	850-222-2699 850-321-3741	<a href="mailto:hholtzen@att.net">hholtzen@att.net</a>
Johnson-Velez, Susan	607 West Bay Street Tampa, FL 33606	813-254-4150	<a href="mailto:susan@sjvlawfirm.com">susan@sjvlawfirm.com</a>
Radson, Marion	739 NW 23 <sup>rd</sup> Street Gainesville, FL 32607	352-256-2767	<a href="mailto:radsonmj@gmail.com">radsonmj@gmail.com</a>
Stotts, Dennis M.	Lewis, Longman & Walker 101 Riverfront Blvd., Ste. 620 Bradenton, FL 34205	941-708-4040	<a href="mailto:dstotts@llw-law.com">dstotts@llw-law.com</a>
Wittmer, Meg	Wittmer & Linehan, PLLC 2014 Fourth Street Sarasota, FL 34237	941-365-2296 941-320-4005 (c)	<a href="mailto:mawittmer1@me.com">mawittmer1@me.com</a>

**EXHIBIT "A"**



**HEARING OFFICERS  
DUE PROCESS**

<b>Name</b>	<b>Address</b>	<b>Phone Number</b>	<b>Email</b>
Conn, Donald	Pennington, PA 2701 North Rocky Point Drive, Ste. 900, Tampa, Florida 33607	Tel. 813-639-9599 Cell 727-641-9963	<a href="mailto:dconn@penningtonlaw.com">dconn@penningtonlaw.com</a>
Hawkins, John D. (Jack)	Grimes Goebel Grimes Hawkins Gladfelter & Galvano, PL 1023 Manatee Avenue West Bradenton, Florida 34205	Tel. (941) 748-0151, Fax. (941) 748-0158	<a href="mailto:jhawkins@grimesgoebel.com">jhawkins@grimesgoebel.com</a>
Holtzendorf, Howard	1412 Fairway Drive Tallahassee, FL 32301, 831 North Johnson Avenue Arcadia, Florida 34266	Tel. 850-222-2699 Cell. 850-321-3741	<a href="mailto:hholtzen@att.net">hholtzen@att.net</a>
Peebles, Douglas	Peebles Law Firm, P.A. 1201 6 <sup>th</sup> Avenue West, Ste. 505 Bradenton, Florida 34205	Tel. 941-742-6611 Fax. 941-742-6622	<a href="mailto:dap@dpeebles.com">dap@dpeebles.com</a>
Stotts, Dennis M.	Lewis, Longman & Walker, PA 101 Riverfront Blvd., Ste. 620 Bradenton, Florida 34205	Tel. 941-708-4040 Fax. 941-708-4024	<a href="mailto:dstotts@llw-law.com">dstotts@llw-law.com</a>
Thompson, Steve W.	Najmy Thompson, PL 1401 8 <sup>th</sup> Avenue West Bradenton, Florida 34205	Tel. 941-748-2216 Fax. 941-748-2218	<a href="mailto:sthompson@najmythompson.com">sthompson@najmythompson.com</a>
Wittmer, Meg A.	Wittmer & Linehan, PLLC 2014 Fourth Street, Sarasota, Florida 34237	Tel. 941-365-2296 Fax. 941-365-0829	<a href="mailto:mawittmer1@me.com">mawittmer1@me.com</a>

**EXHIBIT "B"**

November 5, 2013 - Regular Meeting  
Agenda Item #14

Subject

Revisions to Procedures for the Appointment of Hearing Officer's-Resolution 13-197

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

James A. Minix, Chief Assistant County Attorney  
Jo Ann Grace, Legal Assistant, Ext. 3750

**APPROVED** in Open Session

Manatee County Board of County  
Commissioners

Action Requested

Motion to adopt Resolution R-13-197 providing for the appointment of County hearing officers from a revised list of approved hearing officer candidates to conduct quasi judicial hearings related to due process and land use matters, and to provide for staff clerical assistance for administrative hearings.

Enabling/Regulating Authority

Section 125.01, Florida Statutes, Section 304.1 of the Manatee County Land Development Code, and Section 2-2-109 of the Manatee County Code of Laws.

Background Discussion

On May 7, 2013, the Board adopted Resolution R-13-080 which provided for the appointment of hearing officers from County approved lists of candidates to conduct quasi-judicial hearings relating to due process and land use matters. It also provided for, and approved, a global hourly rate of \$200 per hour for hearing officer's services excluding travel time which is not compensated. The attached proposed Resolution R-13-197 has been drafted to reflect the withdrawal of certain hearing officer candidates who are no longer available to serve as hearing officers and to provide for new qualified candidates. It incorporates the new and revised general lists of approved hearing officers attached as Exhibit A and Exhibit B. This revised resolution, under Section 316.0083, Florida Statutes, also allows for existing staff to undertake the clerical duties for the hearing officers and act as clerk at the hearings, including hearings regarding red light citations. Resolution R-13-197 will repeal previous Resolution 13-080.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - November 5, 2013

See attached Resolution R-13-080 as well as Proposed Resolution R-13-197 and Exhibits A and B for adoption.

Reviewing Attorney

N/A

Instructions to Board Records

Please return a fully approved electronic copy of this agenda memorandum and its supporting documents to:  
[joann.grace@mymanatee.org](mailto:joann.grace@mymanatee.org). - Snt cpy via email to JG, added res to M drive and emailed Res to NC/DB - SS 11/6  
Thank you.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

\$200 per hour as necessary to compensate hearing officers for their services.

Attachment: [HO RES Revised 10-2-2013.pdf](#)

Attachment: [HOs Candidates Land Use 2013.Ex. A.pdf](#)

Attachment: [HOs Candidates Due Proc 2013 Ex. B.pdf](#)

Attachment: [HO Resolution 13-080.pdf](#)