

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 5th 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

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

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	Dconn@penningtonlaw.com
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	jhawkins@grimesgoebel.com
Hoyle, D. Robert	Harrison, Kirkland, Pratt & McGuire, P.A. 1206 Manatee Avenue West Bradenton, Florida 34205	Tel. 941-746-1167 Fax. 941-746-9229	drh@manalaw.com
Peebles, Douglas	Peebles Law Firm, P.A. 1201 6 th Avenue West, Ste. 505 Bradenton, Florida 34205	Tel. 941-742-6611 Fax. 941-742-6622	dap@peebles.com
Stotts, Dennis, M.	Lewis, Longman & Walker, PA 101 Riverfront Blvd., Ste. 620 Bradenton, Florida 34205	Tel. 941-708-4040 Fax. 941-708-4024	dstotts@llw-law.com
Thompson, Steve W.	Najmy Thompson, PL 1401 8 th Avenue West Bradenton, Florida 34205	Tel. 941-748-2216 Fax. 941-748-2218	sthompson@najmythompson.com
Wittmer, Meg A.	Wittmer & Linehan, PLLC 2014 Fourth Street Sarasota, Florida 34237	Tel. 941-365-2296 Fax. 941-365-0829	mawittmenr@me.com

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 7th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Larry Bustle
Chair person.



Attest:

R. B. SHORE
Clerk of the Circuit Court

By: [Signature]
Deputy Clerk

HEARING OFFICERS
LAND USE

Name	Address	Phone Number	Email
Fernandez, Kelly M.	Hankin, Persson et al. 1820 Ringling Blvd. Sarasota, FL 34236	941-365-4950	kfernandez@sarasotalawfirm.com
Groot, Lonnie N.	Stenstrom, McIntosh et al. 1001 Heathrow Park Ln., Ste. 4001 Lake Mary, FL 32746	407-322-2171 386-748-3685 (c)	lgroot@stenstrom.com
Holtzendorf, Howard	1412 Fairway Drive Tallahassee, FL 32301 831 North Johnson Avenue Arcadia, Florida 34266	850-222-2699 850-321-3741	hholtzen@att.net
Johnson-Velez, Susan	607 West Bay Street Tampa, FL 33606	813-254-4150	susan@sjvlawfirm.com
Radson, Marion	739 NW 23 rd Street Gainesville, FL 32607	352-256-2767	radsonmj@gmail.com
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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	jhawkins@grimesgoebel.com
Holtzendorf, Howard	1412 Fairway Drive Tallahassee, FL 32301, 831 North Johnson Avenue Arcadia, Florida 34266	Tel. 850-222-2699 Cell. 850-321-3741	hholtzen@att.net
Peebles, Douglas	Peebles Law Firm, P.A. 1201 6 th Avenue West, Ste. 505 Bradenton, Florida 34205	Tel. 941-742-6611 Fax. 941-742-6622	dap@dpeebles.com
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