

**RESOLUTION NO. R-17-010**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA PROVIDING FOR THE REPEAL AND REPLACEMENT OF RESOLUTION R-13-197 PERTAINING TO THE APPOINTMENT OF COUNTY HEARING OFFICERS FROM THE GENERAL LIST FOR ADMINISTRATIVE HEARINGS AS REQUIRED BY SECTION 302.3 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE AND SECTION 2-2-109 OF THE MANATEE COUNTY CODE OF ORDINANCES; 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; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 302.3 of the Manatee County Land Development Code (“LDC”) 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 Ordinances (“County Code”) 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, 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 County Code 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 County Code for the administrative hearings on notices of violation issued pursuant to Section 316.0083, Florida Statutes; 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; 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. Such staff shall perform the duties specified in Section 2-2-114 of the County Code 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.

**LAND USE HEARING OFFICERS**

Name	Address	Phone Number	Email
Fernandez, Kelly M.	Hankin, Persson & Cohen, PA 6853 Energy Court Lakewood Ranch, Florida 34240-8523	Tel. 941-306-4730 Fax. 941-306-4832	<a href="mailto:kfernandez@swflgovlaw.com">kfernandez@swflgovlaw.com</a>
Johnson-Velez, Susan	607 West Bay Street Tampa, Florida 33606	Tel. 813-254-4150	<a href="mailto:susan@sivlawfirm.com">susan@sivlawfirm.com</a>
Radson, Marion	739 NW 23rd Street Gainesville, Florida 32607	Tel. 352-256-2767	<a href="mailto:radsonmj@gmail.com">radsonmj@gmail.com</a>
<u>Getzoff, Deborah A.</u>	<u>Lewis, Longman &amp; Walker, P.A.</u> <u>101 Riverfront Blvd., Suite 620</u> <u>Bradenton, Florida 34205</u>	<u>Tel. 941-708-4040</u> <u>Fax. 941-708-4024</u>	<u>dgetzoff@llw-law.com</u>
Wittmer, Meg	Wittmer & Linehan, PLLC 2014 Fourth Street Sarasota, Florida 34237	Tel. 941-365-2296 Cell. 941-320-4005	<a href="mailto:mawittmer1@comcast.net">mawittmer1@comcast.net</a>

**EXHIBIT "A"**

**DUE PROCESS HEARING OFFICERS**

<b>Name</b>	<b>Address</b>	<b>Phone Number</b>	<b>Email</b>
Conn, Donald	Pennington, PA 2701 North Rocky Point Drive, Suite 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>
Hoyle, D. Robert	Harrison, Kirkland, Pratt & McGuire, PA 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, PA 1201 6th Avenue West, Suite 505 Bradenton, Florida 34205	Tel. 941-742-6611 Fax. 941-742-6622	<a href="mailto:dap@peebles.com">dap@peebles.com</a>
Thompson, Steve W.	Najmy Thompson, PL 1401 8th 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@comcast.net">mawittmer1@comcast.net</a>

**EXHIBIT "B"**

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 302.1, *et seq.*, of the Land Development Code. Each officer shall be appointed for a term of four (4) years in accordance with Section 302.3, 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 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-13-197 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 24<sup>th</sup> day of January, 2017.



**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: Betsy Benac  
Chairperson Betsy Benac

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Robin P. De  
Deputy Clerk