

Code Enforcement Functions and Operations of the Lee County Hearing Examiner



Lee County
Southwest Florida

Core Functions

- ▶ Established in 1988 to hear zoning cases.
- ▶ Expanded to preside over Code Enforcement in 1990.
- ▶ The [Lee County Land Development and Administrative Codes](#) govern jurisdiction and procedures of matters coming before the Hearing Examiners.
- ▶ Office independent from County Attorney and County Manager to ensure decisions/recommendations are based solely on law and evidence in the record.

Meet the Hearing Examiners

- ▶ The Hearing Examiners are attorneys with substantial experience in land use.
- ▶ Chief HEX Donna Marie Collins, Esq.
- ▶ Deputy HEX Amanda L. Rivera, Esq.
- ▶ Both Hearing Examiners are Board Certified in City, County and Local Government Law. Board Certification recognizes expertise in an area of law. Only 7% of Florida attorneys achieve this designation.

Code Enforcement

4

Enforcement of County Land
Development Regulations
And
Nuisance Accumulations

HEX Does NOT Hear Cases Involving:

5



Noise Ordinance
Animal Control
Lot Mowing
Property in Cities

How are Cases Initiated?

- ▶ Complaints from neighbors.
- ▶ Observation by Code Enforcement officers.

Notice to Property Owner

Property owners receive notification of Code violations by one of the following methods:

- ▶ Citation (ticket)
- ▶ Notice of Violation (Certified Mail)
or
- ▶ Posting on Property

Notice of Violation

8

- ▶ The Notice provides an opportunity to correct the violation and avoid hearing.

NOTICE OF CODE VIOLATION



Case # VIO2016-12345 **Date** 01/01/2016

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

RE: VIOLATION ADDRESS:
(Located in Lee County, Florida)

Dear Property Owner/Tenant:

An inspection of the above-referenced property on 1/1/2016 disclosed the existence of a violation contrary to Lee County Ordinance 54321.

You are directed to correct this condition within 15 days of receipt of this notice by:



Notice of Hearing

- ▶ If the violation is not corrected, the property owner will receive a Notice of Hearing.
- ▶ The Notice of Hearing sets the hearing date.
- ▶ Prior to hearing, a property owner may enter into an Agreement with the County to correct the violation. The Agreement substitutes for the formal hearing and allows property owner additional time to correct the violation to avoid imposition of fines.
- ▶ If the property owner doesn't comply with the Agreement, the Hearing Examiner will adopt the terms of the Agreement and issue an Order Imposing Fine.

Code Enforcement Hearing

- ▶ Code hearings held on Mondays
- ▶ Many cases on agenda
- ▶ Code Officer presents evidence
- ▶ Property owner presents evidence
- ▶ Hearing Examiner renders decision in the form of an Order

If Hearing Examiner Finds Violation

- ▶ HEX issues an Order Finding Violation stating:
 - ▶ Date to correct violation;
 - ▶ Daily fine if the violation is not timely corrected; and
 - ▶ Prosecution costs .

Repeat Violations

- ▶ If the property owner violates the same Code provision within a five year period, new violations may be treated as “repeat” violations.
- ▶ Repeat violations are assessed daily fines of \$50 to \$500 beginning on the date the Code officer discovers the violation.
- ▶ Daily fines and start dates for repeat violations are mandated by statute. The Hearing Examiner does not have discretion to deviate from statutorily mandated fines.

If Violation Not Corrected by Ordered Date

- ▶ Daily fine imposed until violation is corrected

And

- ▶ Property owner subject to lien on all property owned in unincorporated Lee County

Lien Mitigation

- ▶ Hearing Examiner has authority to mitigate outstanding liens.
- ▶ Once the violation is corrected, property owner may request to reduce accrued fines/costs.
- ▶ Formal request provides opportunity for property owner to explain delay in compliance.
- ▶ Lien Mitigation request may be considered at hearing or property owner may waive hearing if they agree with County's recommendation.

Thank You

15

- ▶ Please contact the Hearing Examiner's Office with additional questions:

HEX@leegov.com

239.533.8100