

QUASI-JUDICIAL HEARING PROCEDURES

CODE ENFORCEMENT BOARD

September 8, 2020

Copies of these procedures that I will read are available at the area near the podium if anyone wants a copy. Florida Statutes and the Courts of Florida require that the following items be heard as a Quasi-Judicial Hearing:

**CASE 20-20-4951, Kristeena D. Shirah
94256 Duck Lake Drive
Fernandina Beach, FL 32034**

**Case 20-4893, Flora Parke Development, Inc. & SEDA Construction Company
Fern Parke Way (ID #26-2N-28-0552-000B-0000)
Fernandina Beach, FL 32034**

**Case 20-4992, Michael L. Lester & Amanda Lester
85160 Miner Road
Yulee, FL 32097**

A Quasi-Judicial Hearing is less formal than a court hearing but similar in procedures and evidence issues.

The alleged violator is entitled to be represented by counsel and if you desire a continuance to obtain counsel, please come forward and make that request. The Board has the discretion to grant or deny the request.

The only material or relevant evidence is that which addresses the alleged violation and the applicable county ordinances. The hearing procedures will be:

1. The Code Enforcement Officer will be sworn in and will present evidence as to the alleged violation. The Code Enforcement Officer shall have fifteen (15) minutes. The Code Enforcement Officer may present witnesses, if any, and shall have an additional ten (10) minutes if there are witnesses.
2. The alleged violator will be sworn in and may present evidence addressing the Officer's evidence and/or present any mitigating circumstances. The alleged violator shall also have

fifteen (15) minutes. If the alleged violator has witnesses, he/she will indicate the name and address of each witness. The alleged violator's witnesses will each have five (5) minutes. The alleged violator may also call the Code Enforcement Officer as a witness and ask him/her questions. Again, the time limit for questions is five (5) minutes, unless extended by the chairman.

3. Board members may, through the chair, ask questions of the Code Enforcement Officer and of the alleged violator and any witnesses presented.
4. Any person testifying shall not present repetitious evidence or evidence that does not address the violation as it is not relevant. The chair, with the assistance of the County Attorney, will control the presentation of evidence and can direct anyone to stop their testimony.
5. Personal attacks on witnesses, staff or Board members is not relevant and will not be allowed. If the Chair, with the assistance of the Attorney, determines that the testimony is not relevant, the speaker will be advised and if the speaker does not address the criteria he/she must stop their presentation and present relevant evidence. Failure to adhere to these rules will cause the speaker to relinquish their time. Failure to relinquish the time may lead to removal from the Chamber by the Bailiff or Deputy Sheriff.
6. Persons presenting evidence will address the Board, at the podium, and if there are documents or photos they must be presented when the particular individual is testifying. No documents will be returned, as they become a part of the record.
7. Again, evidence presented should be relevant evidence. Personal attacks on a Code Enforcement Officer or staff, a Code Enforcement Board member or other witnesses are not relevant. Evidence that does not address the alleged violation is not relevant.
8. The meeting is being taped; therefore, there can be no applause, talking or outbursts from the public as it distorts the tape. The Chair, will advise any person who violates the rules to stop their presentation of evidence. Failure to stop may lead to removal from the Chamber by the Bailiff or Deputy Sheriff.
9. The Office of the County Attorney represents the Board and provides advice to the Board including advice as to the procedures and the admissibility of evidence.
10. The alleged violator will be permitted to provide a closing statement (a maximum of five (5) minutes).

11. The Code Enforcement Officer may have five (5) minutes to provide final comments to the Board.
12. The Board will then close the public hearing and will discuss the alleged violation and may ask questions of staff or the alleged violator or Code Enforcement Officer or any witnesses.
13. The Board will issue findings of fact based upon evidence presented and conclusions of law. If the Board finds a violation, it may award administrative costs based on costs incurred in prosecuting the citation. Additionally, the Board may assess a daily fine which will accrue for each day the property is not in compliance. Daily fines shall not exceed \$1,000.00 per day for the first violation and \$5,000.00 per day for a repeat violation. However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$15,000 per violation. A certified copy of the order will be mailed to the violator and shall also be recorded in the public records of Nassau County, Florida, which will constitute a lien upon the subject property, and upon any other real or personal property of the violator. Any daily fine shall accrue until the violator comes into compliance or until a Court judgment is rendered in a suit to foreclose.
14. The strict rules of evidence applicable to a court proceeding will not be utilized; however, the Board, with the assistance of the County Attorney, may exclude evidence that is not relevant or material. Relevant evidence is evidence that addresses the criteria set forth in the applicable county ordinances.
15. Again, the Quasi-Judicial procedures are required by law and all those participating need to be aware of the procedures.
16. To be fair to everyone and in order to follow the procedures, if you have any questions about the procedures or the lien please come forward and ask them at this time and, again, if you wish to be represented by counsel please ask for a continuance.
17. Again, if you don't understand any of the procedures read tonight, please come forward now and ask questions.