

General Questions and Answers Concerning the Code Enforcement Process.

1. Q. Why do we have codes and regulations?

A. Codes and regulations are adopted by the City Council of the City of Plantation in order to protect the public health, safety, and welfare of all citizens and to increase property values.

2. Q. What is the Code Enforcement process?

Initial Observation or Complaint

A Code Inspector observes a violation or investigates a complaint that has been received by phone, letter or email.

Warning

Once violations are verified to exist, a warning may be left at the property by door hanger or verbally, hand delivered or mailed to a property owner. The warning lists the sections of code that are in violation, how to correct the violations and specify the number of days given for compliance. A re-inspection of the property will take place to determine if the violations have been corrected. It is during this initial stage that respondents should contact the Code Inspector if they have additional questions or to ask for additional time provided progress is being made to correct the violation.

Notice of Violation / Notice of Hearing

This is the formal City document charging a person with a City offense. It contains a deadline for correcting the offense. The violation must be corrected by the deadline, or you risk being fined. The City is considered a “prosecutor” (a/k/a “Petitioner”) and you are considered a “defendant” (a/k/a “Respondent”). The case against you will be decided by the Special Magistrate.

Special Magistrate Hearings

The Special Magistrate hearing is a quasi-judicial process and the magistrate has the authority to impose fines for each day the property is not in compliance and liens on a property.

If the case is presented at the Special Magistrate hearing, the Magistrate may enter a “Final Order” which gives the Respondent time to correct the violation before a lien is filed against the title of the property. Failure to correct the code violations within the time specified by the Magistrate may result in fines up to \$250 per day, per violation for first time offenders and \$500 per day, per violation for repeat offenders.

3. Q. Must I attend the hearing indicated in the notice, even if someone at the City tells me that attendance is not necessary or that a case will be continued?

A. Yes. The Code Enforcement process is adversarial and you should attend all hearings. The Code Inspector and City Staff who may discuss your case with you have no authority to waive or

relinquish fines or grant extensions to the time to comply with the code or continue cases, although they may recommend to the Special Magistrate that this occur. Only the Special Magistrate can grant extensions of time to comply, continue cases, or waive or reduce fines while the case is before it however the Special Magistrate is not required to give you additional time to comply with the code.

4. Q. Can I have my attorney represent me at a Special Magistrate hearing or otherwise?

A. Yes.

5. Q. What happens if, after the Final Order is entered, I decide that I need more time to comply with the violation or something else occurs that might affect my case and my ability to comply with the Special Magistrate's Final Order, or if I feel the fine should be suspended?

A. Contact the department generating the violation (i.e. Code Enforcement, Building, Landscape or Planning and Zoning) who will then set your request for a hearing (typically a "Notice of Hearing to Confirm Fine") before the Special Magistrate. You need to attend this hearing and present any evidence you wish as to why you believe the Special Magistrate should grant you the relief you are requesting. The Special Magistrate may or may not grant you any relief.

6. Q. What do I do if I disagree with the Special Magistrate's Final Order determining that I am in violation and responsible to pay a fine?

A. You may file an Appeal of this ruling within (30) days in the 17th Judicial Circuit Court in and for Broward County, Florida; otherwise, the Final Order will become no longer subject to judicial review.

7. Q. What happens if I do not comply with the Special Magistrate's Final Order?

A. The case will be returned to the Special Magistrate for the Notice of Hearing to Confirm Fine. The Special Magistrate will review your case again and may choose to grant an extension of time, or may confirm the fine. If the Special Magistrate confirms the fine, it will issue an "Order Imposing a Fine and Lien". At this point, the case before the Special Magistrate is formally over. When a certified copy of this document is recorded in the Broward County real property records, any property which you own in the Broward County will become subject to the claim of lien. The City will initiate litigation in Court to collect the fine by foreclosing the lien.

8. Q. What do I do if I disagree with the Special Magistrate's Order Imposing a Fine and Lien?

A. You may file an Appeal of this ruling within thirty (30) days in the Circuit Court for the 17th Judicial Circuit in and for Broward County, Florida; otherwise, the Supplemental Order/Claim of Lien will no longer be subject to judicial review.

9. Q. Can I have a fine or lien reduced after I come into compliance?

A. Yes. The City has adopted a discretionary procedure for the reduction of fines once compliance is achieved. The City is not required to reduce fines. An Application for Fine Reduction is available at the Office of the City Clerk.

***The City is supplying the above information in order to educate participants in a general sense about the Code Enforcement process. Nothing stated above should be construed as legal advice, and the Respondent should consult with his (or her) attorney with respect to answering any questions he (or she) may have.