



City of North Port

ORDINANCE NO. 2025-16

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, CLARIFYING THE QUALIFICATIONS FOR APPOINTMENT AS A HEARING OFFICER AND ALTERNATIVE HEARING OFFICERS; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTIONS 2-111 AND 2-505; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission seeks to ensure clarity and consistency in the Code of the City of North Port (the “Code”); and

WHEREAS, the qualifications for hearing officers are currently located in multiple sections of the Code; and

WHEREAS, consolidating all hearing officer qualifications into a single section will improve organization and accessibility of the Code; and

WHEREAS, the City Commission finds that it is in the public interest to have uniform qualifications for appointment as a hearing officer to ensure the most qualified appointments are made; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.

SECTION 2 – AMENDMENT

- 2.01 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:

"Chapter 2 – ADMINISTRATION

...

ARTICLE IV. – OFFICERS AND EMPLOYEES

DIVISION 1. – HEARING OFFICERS

...

Sec. 2-111. – Appointment.

- (a) The city commission may appoint one or more hearing officers. Hearing officers shall serve at the pleasure of the city commission or as otherwise provided in this Code or by contract. Hearing officers presiding over any type of hearing shall possess the qualifications provided in ~~chapter 2, article IX of this Code~~ this section.

~~Hearing officers appointed to preside over any other matters shall possess the qualifications as the city commission determines is appropriate.~~

- (b) Compensation. The hearing officer shall not be a city employee but may be compensated at a rate established by resolution of the city commission based upon recommendation of the city manager and city attorney. In addition, the hearing officer may be reimbursed for such travel, mileage, and per diem as may be authorized by the city commission.

- (c) Qualifications of a hearing officer. To qualify for appointment as a hearing officer and preside over matters for the City, a person must:

- (1) Be licensed to practice law in the State of Florida at the time of appointment, for at least five years prior to appointment, and throughout the term of their appointment;
- (2) Be in and remain in good standing with the Florida Bar Association at the time of their appointment and throughout the term of their appointment;
- (3) Demonstrate a temperament suitable for the exercise of the quasi-judicial powers vested in a hearing officer; and
- (4) Demonstrate satisfactory knowledge of municipal law and the general procedures for enforcement of municipal and Florida law.

- (d) Term of service. The city commission may appoint as many hearing officers and alternate hearing officers as it deems necessary. Alternate hearing officers will serve in the event of legal conflicts of interest or absences. All appointments and reappointments shall be for a term of one to four years as determined by the city commission.

- (e) Removal. Despite the term for which they were appointed, all hearing officers and alternate hearing officers serve at the pleasure of the city commission and may be removed from service at any time, with or without cause, by majority vote. If any hearing officer fails to attend two of three successive hearings without good cause, the position shall be considered vacant, and the city commission shall promptly fill the remainder of the unexpired term.

- (f) Disqualification. A hearing officer or alternative hearing officer shall disqualify themselves from participating in any case in which they have a personal or private interest, conflict of interest, or are otherwise unable to serve. If a hearing officer or alternate hearing officer does not voluntarily disqualify themselves and a conflict of interest or other valid basis for disqualification becomes known, the city manager may remove the hearing officer or alternate hearing officer from the case. In the event of disqualification, an alternate hearing officer shall be assigned. If all available hearing officers and alternative hearing officers are disqualified, the city manager is authorized to appoint a qualified attorney to serve as the hearing officer for that case or proceeding.”

2.02 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:

“Chapter 2 – ADMINISTRATION

...

ARTICLE IX. – CODE ENFORCEMENT

...

Sec. 2-505. – Establishment of hearing officer system.

...

- (c) ~~Qualifications of a hearing officer.~~ All hearing officers shall be attorneys, for at least five years prior to appointment, who are in good standing with the Florida Bar Association. The hearing officers shall reside in or practice law within Sarasota County, Florida, must demonstrate satisfactory knowledge of municipal law and the general procedures for enforcement of municipal codes, and must demonstrate a temperament suitable for the exercise of the quasi-judicial powers vested in each hearing officer.
- (d) ~~Appointment; term of service; removal.~~ The city commission shall appoint as many hearing officer as are deemed necessary. All hearing officer shall be appointed for a term of one to four years and may be reappointed by the city commission. Despite the term for which they were appointed, all hearing officers serve at the pleasure of the city commission and may be removed from office by majority vote. If any hearing officer fails to attend two of three successive hearings without good cause, the position shall be considered vacant and the city commission shall promptly fill the remainder of the unexpired term.
- (c) (e) Support staff. The city commission shall provide clerical, administrative, and legal support to the hearing officers as may be reasonably required for the proper performance of their duties.
- (f) ~~Disqualification.~~ If any hearing officer, called on to sit in a particular case, shall find that his/her private or personal interests are involved in the matter coming before him/her, the hearing officer shall disqualify himself/herself from all participation in the case, and an alternate hearing officer shall hear the case. The city manager is authorized to provide an attorney otherwise qualified to sit as a hearing officer for an individual case where all hearing officers disqualify themselves.”

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect immediately.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on July 8, 2025.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on July 22, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY