



Policy and Procedures
of the
Code Enforcement Board
of the
City of Orlando, Florida

August 2023

INTRODUCTION

“It is the intent of this Part to promote, protect, and improve the health, safety, and welfare of the citizens...by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities...”

--Chapter 162.02, Florida Statutes

The authority for the code enforcement process is rooted in Chapter 162 of the Florida Statutes. The Code Enforcement Board of the City of Orlando plays a vital role in ensuring that the authority of local government to enforce minimum standards for property maintenance and development is balanced with the rights of private property owners and their right to due process, which includes their right to notice and opportunity to be heard.

The Board is a quasi-judicial---meaning “like court”---body that hears and adjudicates cases involving code violations as identified and prosecuted by various City agencies. If a property owner is found guilty of a violation, the Board may, among other things, establish a time frame in which the violations must be corrected and impose a penalty for failure to correct the violation(s) within the established time frame. The Board’s authority to adjudicate cases, impose penalties and liens, and authorize lien foreclosure proceedings is grounded in Chapter 162, Florida Statutes.

Chapter 162 of the Florida Statutes provides the statutory authority for the code enforcement process and prescribes general rules of procedure for the locally established boards. Among other things, Chapter 162, Florida Statutes, authorizes local boards to adopt rules for the conduct of hearings; the issuance of subpoenas to alleged violators and witnesses to hearing; the issuance of subpoenas for evidence; the taking of testimony under oath; and the issuance of orders having the force and effect of law. Appeals of Board final Orders are to Circuit Court under § 162.11, Florida Statutes, and must be filed within thirty (30) days of the execution of the final Order to be appealed.

Board members must be residents of the City of Orlando who volunteer for service, and are generally selected to serve based on their experience in related fields, particularly, architecture, general contracting, sub-contracting, real estate, engineering and business. Members are appointed by the Mayor and confirmed by the City Council, and serve three-year terms.

CODE ENFORCEMENT BOARD
of the
City of Orlando

RULES OF PROCEDURE

I. Name

The name of this Board shall be the “Code Enforcement Board of the City of Orlando, Florida”.

II. Jurisdiction

The Code Enforcement Board, (hereinafter referred to as “the Board”), shall have jurisdiction over those matters which are set forth in section 5.03 of the Code of the City of Orlando

III. Membership, Officers, Election of Officers and Duties

A. **Members.** There shall be seven (7) members of the Board who are appointed by the Mayor, subject to approval by the City Council, and shall serve a term of three (3) years. A member may be reappointed, at the discretion of the Mayor and subject to approval by the City Council, to one (1) additional term, and may serve no more than two consecutive terms. A member must be a resident of the City of Orlando.

B. **Duties of Members Generally.** Members of the Board shall comply with applicable State statutes and local ordinances governing their conduct, particularly with respect to “Government in the Sunshine”, and the Code of Ethics for public officers. State law also requires Board Members to complete a Financial Form annually.

C. **Officers.** There are hereby established the following officers:

1. **Chairperson.** The Chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers. In particular, the Chairperson shall sign all Orders as may be adjudicated and/or authorized by the Board.

2. **Vice Chairperson.** The Vice Chairperson shall act in the absence of the Chairperson. The Vice Chairperson shall sign Orders in the absence of the Chairperson. In the absence of the Chairperson and the Vice Chairperson, a member selected by the Board may be designated to serve in their absence.

3. Recording Secretary. The Recording Secretary for the Board shall be provided by the Code Enforcement Division of the City of Orlando. The Recording Secretary shall maintain a record of Board Proceedings, maintain all records pursuant to those proceedings, prepare and deliver meeting Agendas, and in general, serve as the liaison between the Board and the City of Orlando.

D. Election of Officers. The Chairperson and Vice Chairperson of the Code Enforcement Board shall be elected by members of the Board. Nomination of officers shall be made in September of each year at a regularly noticed meeting, and the election shall be held immediately thereafter. The candidate receiving a majority vote shall be declared elected, and shall serve a term of one (1) year, or until a successor shall take office. The Chairperson may not serve more that two (2) consecutive terms as Chairperson. Vacancies in the offices of Chairperson and Vice Chairperson shall be filled by the election procedure as described in this Part at any regularly noticed meeting when a vacancy is declared.

IV. Meetings

A. Regular Meetings. Regular meetings shall be held at least once a month. Regular meetings shall be held on the second Wednesday of each month, beginning at 9:00 a.m. in the City Council Chambers on the second floor of City Hall, located at 400 S. Orange Avenue, Orlando, Florida, 32801. The Board may set meetings more frequently if necessary.

B. Special Meetings. Special meetings may be called by the Chairperson or at least three (3) members of the Board by written notification to the Chairperson. The Board shall hold hearings as necessary to insure the effectiveness of any Order issued by the Board.

C. Notice of Meetings. Notice of all meetings, both regular and special, shall be given to all Board Members at least twenty-four (24) hours in advance of the meeting. Notice of all meetings shall be provided to the City Clerk for inclusion on the City's schedule of meetings and events.

D. Attendance. Members shall notify the Chairperson of the Board, through the Recording Secretary, if they cannot attend a meeting. If a member is absent from two of three consecutive meetings or more than 25 percent of all meetings in a fiscal year in accordance with Chapter 2 of the Orlando City Code, without cause and without prior approval of the Chairperson, the Board shall declare that Member's office vacant, and communicate said vacancy to the Mayor and City Clerk. The vacancy shall be filled by appointment by the Mayor, subject to approval by the City Council.

E. Quorum. A quorum of the Board shall consist of four (4) or more members, and an affirmative vote of a majority of those Members present and voting shall be necessary to pass any motion to adopt any order or otherwise conduct Board business. At least four

(4) members of the Board must vote in order for any action to be official.

F. Voting. Voting shall be by voice vote and shall be recorded by individual “aye” or “nay”. Each member shall vote on every matter coming before this Board unless prohibited from doing so pursuant to Section G of this part.

G. Abstention. Pursuant to section 112.3143, Florida Statutes, a Member is prohibited from voting in an official capacity on any matter which would inure to his or her private gain and prohibited from knowingly voting in his or her official capacity upon any measure which inures to the special gain of any principal by whom he or she is retained, or to the parent organization or subsidiary of a corporate principal by which he or she is retained, or whom he or she knows could inure to the special private gain of a relative or business associate.

H. Procedure. The Rules of Procedure contained herein and Robert’s Rules of Order, Revised shall govern parliamentary procedure in all Board Meetings.

V. Order of Business

A. Cases may be called in the order in which they appear on the Agenda or as determined by the Chairperson, however; cases for which Respondents have appeared shall be heard first according to their order on the Agenda. The order of business may be suspended by a majority vote of those members present.

B. The outline for the monthly meeting Agenda shall be as follows:

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. Swearing in of all those persons prepared to testify before the Board
5. Compliances
 - a. Cases in compliance before Hearing
 - b. Stipulated Compliances
 - c. Joint Stipulations
6. Cases Administratively Closed
7. Regular Agenda – Public Hearing
 - b. New Cases
 - All cases where the Respondents are present will be heard first in the order presented on the Agenda
 - Remaining cases where Respondents are not present
 - c. Cases Tabled from Previous Meetings
8. Requests to Table
9. Requests for Reduction of Penalty
10. Requests for Extension

12. Appeals
13. Requests for Rehearing
14. Old or Unfinished Business
15. Compliance Hearings
16. Public Comments
17. New Business

VI. Initiation of Actions Before the Board

A. “Respondent” shall mean the current property owner, the original violator, a person having a legal or equitable interest in the property, or a stakeholder (person having an interest in the property as determined by the Code Enforcement Division). Legal counsel may appear on behalf of a Respondent.

B. Code enforcement actions shall be brought before the Board by a Code Officer as designated by the City of Orlando. Certain actions may be brought by the Respondent in the form of a request for extension, rehearing, reduction of penalty, a challenge to an Affidavit of Non-compliance, or an appeal in the case of condemnation or revocation and/or suspension of an After Midnight Alcohol Sales Permit issued pursuant to Chapter 33, City Code. All actions before the Board initiated by a Code Officer as designated by the City of Orlando shall be commenced by serving a Statement of Violation and Notice of Hearing on the Respondent, stating the nature of the violation and giving the Respondent a prescribed period of time to comply with alleged violation of City Code, pursuant to Chapter 162 of the Florida Statutes and City Code Section 5.04(3). All actions brought by Respondents shall be by written request to the Recording Secretary and shall contain specific information as to the nature of the alleged violation and the relief sought. The Recording Secretary shall provide the Respondent with written notice as to the time and place of the next available meeting.

C. If the Respondent does not bring the property into compliance with City Code by the date set by the Code Officer in the Statement of Violation, the original Statement of Violation and Notice of Hearing, along with the original proof of service or delivery and a copy of the compliance schedule, will be filed with the Recording Secretary of the Board. This information, along with any other information obtained by the Code Officer relevant to the property, shall constitute the case file. The case file must be submitted to the Recording Secretary at least seven (7) days prior to the hearing for which it is scheduled.

D. Upon submission of the case file to the Recording Secretary, the file will be assigned a case number, which will be placed on the Notice of Hearing. Once the original case file is filed with the Recording Secretary, the case will be placed on the appropriate month’s Agenda for hearing before the Board. The administration and disposition of that case shall be within the sole purview of the Board.

E. All notices of hearing shall be delivered to the appropriate party in accordance with Chapter 162 of the Florida Statutes and Article I, Chapter 5 of the Code of the City of

Orlando.

VII. Hearings

A. The following procedures will be observed in hearings before the Board:

1. Respondent (s) as defined in Section VI, paragraph A herein, the Code Officer(s) handling the case, and all other witnesses who will be providing testimony or offering other evidence shall be sworn. Witnesses shall be limited to immediate neighbor(s) to the subject property, contractor(s) or other workman who are or will be engaged to do work on the subject property, property manager(s) of the subject property, or any person with personal knowledge and relevant information related to the alleged violation(s) and facts of the case. Personal knowledge means knowledge of the alleged violation(s) and facts of the case that was gained through firsthand observation or experience. Any testimony related to the Respondent's character is not considered relevant information except where such testimony is offered by the Respondent, or the City in rebuttal. A "contractor" includes an architect, landscape architect, or engineer.

2. The Code Officer shall present the City's case. He or she may also recommend corrective action, time for compliance with City Code, and amount of the penalty to be imposed should the Respondent fail to comply with the Board's Findings of Facts, Conclusions of Law, and Order.

3. The Respondent may present his or her case.

4. Both parties shall have an opportunity to cross-examine parties or witnesses offering testimony or other evidence at the hearing.

5. Any evidence that the Respondent or a witness presents before the Board may be admitted by the Board Chairperson and submitted to the Board's Recording Secretary at the time the case is heard.

6. The Board may question any party or witness or call any witness, as defined herein, to testify that it feels is necessary to understand the factual and legal allegations of the case.

7. If legal counsel is present, they shall be permitted, subject to the Board's discretion, to examine and/or cross-examine witnesses and to present a brief opening statement and closing argument. Testimony and any information offered by legal counsel is considered evidence unless stated otherwise on the record.

8. The Board may, at its discretion, and at any time during the hearing, request further information from either party or witness and thereupon continue the hearing to a date certain at a regularly or specially scheduled hearing.

9. Upon presentation of all evidence, the Chairperson shall close the hearing. Notwithstanding the foregoing, the Chairperson, in his or her discretion, may re-open the hearing to additional evidence if the Board deems it necessary.

10. The Board may only consider that evidence which is presented at the hearing. Board members may not independently obtain evidence outside of what is presented at the hearing, i.e. research on a cell phone or computer, talking with neighbors to the subject property, etc.

11. The Board shall immediately deliberate in open session.

12. Based on the evidence presented at the hearing, the Board shall determine whether the Respondent is or is not in violation of the cited code violation(s). If the Respondent is found to be in violation, the Board shall issue a final Order containing, among other things, the date of compliance, fine amount, and the Board's recommendations for corrective action. If the Respondent is found not to be in violation, the Board shall enter an Order to that effect and the Recording Secretary shall dismiss the case.

13. At the hearing, the Board shall orally issue an Order that is approved by a majority of the Board. At least four (4) members of the Board must vote in order for a case to be adjudicated. The final Order shall contain Findings of Fact and Conclusion of Law (hereinafter "Order") and state the affirmative relief granted by the Board. Said Order shall be reduced to writing and mailed to the Respondent within five (5) working days after the hearing.

14. The Board may consult with counsel for the Board on legal matters or consult with counsel for the City for clarification on the City's case during the hearing or at any other such time as the Board deems necessary.

VIII. Joint Stipulations

A. The following procedures will be observed for Joint Stipulations:

1. The parties may enter into a Joint Stipulation to be presented to the Board on the meeting date indicated in the Statement of Violation and Notice of Hearing if the Respondent meets all of the following criteria:

- a. Respondent does not wish to contest the violation;
- b. Respondent agrees to the Code Officer's recommended compliance date and penalty amount;
- c. Respondent is not a repeat violator; and

- d. Respondent is not cited for a public nuisance violation where the recommended action is demolition.
2. The use of the Joint Stipulation shall be within the City's sole discretion.
3. The Joint Stipulation may be submitted to the Recording Secretary any time prior to and up until the time the corresponding case is called on the agenda at the Board's meeting. Stipulations submitted after the time the case is called will not be considered.
4. The Joint Stipulation must be signed by all parties and notarized; otherwise it will be administratively rejected. If someone other than the Respondent is signing the stipulation on the Respondent's behalf, proof of authorized representation must be attached to the stipulation, i.e. power of attorney, court order or decree, etc...
5. The Joint Stipulation shall have attached to it supporting documentation, including but not limited to, Statement of Violation and Notice of Hearing, Compliance Schedule, deed, and any photographs of the violations.
6. The Code Officer shall present the stipulation to the Board. All documentation attached to the stipulation shall be admitted into evidence. No testimony will be heard by the Board.
7. The Board shall either accept or deny the stipulation. If the stipulation is denied, then the case will be scheduled for the next Board meeting and will be heard in accordance with Section VII herein. If the stipulation is accepted, the Board shall issue an Order in accordance with Section VII, paragraph 13.
8. During its review of the stipulation, the Board may consult with counsel for the Board as necessary in accordance with Section VII, paragraph 14.

IX. Enforcement of Orders

- A.** After an Order has been issued by the Board with a scheduled date of compliance, it shall be the responsibility of the Respondent to correct the violations and to ensure that an inspection is requested prior to the compliance date, so that compliance with the Board's Order has been verified by the Code Officer handling the case. Failure of the Respondent to notify the Code Officer handling the case on or prior to the compliance date that the Respondent has complied with the Board's Order shall be deemed non-compliant with such Order and fines shall accrue as set forth in the Order.
- B.** The Code Officer shall then issue an Affidavit of Non-Compliance or Compliance (as the case may be), which said Affidavit shall then be filed with the Recording Secretary. The Recording Secretary shall mail a copy of said Affidavit to the Respondent.
- C.** If the Code Officer issues an Affidavit of Non-Compliance, the Board shall enter a

Statutory Order Imposing Penalty/Lien, which may be recorded in the Public Records of Orange County, Florida, and thereafter shall constitute a lien against the property and any other real or personal property the Respondent then owns or has an interest in. If a Respondent has not complied with the Statutory Order Imposing Penalty/Lien within three (3) months of the date of recording of the Order, the lien may be subject to foreclosure proceedings and the property sold at judicial sale unless the property is Respondent's homestead property in which case the lien shall remain recorded but foreclosure proceedings shall not commence.

The Recording Secretary shall mail a copy of the Affidavit of Non-Compliance and a copy of the Statutory Order Imposing Penalty/Lien with a cover letter providing the date the property was last inspected and stating that the property was found to not be in compliance, the amount of the penalty, the date the penalty began to accrue, and that the Respondent may challenge the Board's determination of non-compliance and imposition of the penalty based upon new evidence at the next scheduled Board meeting. If the Respondent chooses to challenge the finding of non-compliance, the Respondent must submit a Request for Compliance Hearing Form, along with any supporting documentation no later than thirty (30) days from the date the Affidavit of Non-Compliance was issued. The Form must be submitted to the Recording Secretary at least ten (10) calendar days prior to the next regularly scheduled Board meeting. The Board will hear such challenge under "**Compliance Hearing**" on the Agenda and the same procedures will be followed as provided in the "Hearings" section set forth in Section VII herein. .

D. In cases involving a challenge to a condemnation as described in Section XI(B) herein, the Board may issue final orders affirming, reversing, or modifying the City agency's decision to condemn if the evidence warrants such action.

E. In cases involving an appeal of the suspension or revocation of an After Midnight Alcohol Sales Permit issued pursuant to Chapter 33, City Code, the Board shall make findings of fact, conclusions of law, and issue an order upholding or quashing the suspension or revocation of an After Midnight Alcohol Sales Permit.

F. In cases challenging an Affidavit of Non-Compliance and imposition of a fine or lien, the Board may enter, upon competent evidence, an Order directing the Code Officer to issue an Affidavit of Compliance and directing the City agency to remove the fine or satisfy the lien if evidence warrants such action. Otherwise, the Affidavit of Non-Compliance and Statutory Order Imposing Penalty/Lien will stand as issued.

G. The Board's Orders are deemed rendered the date they are reduced to writing and signed by the Chairperson or, in the absence of the Chairperson, the Vice-Chairperson.

X. Requests for Reduction of Penalty or Lien

A. The Board shall not consider a Respondent's Request for Reduction of Penalty or Lien ("Request") until the property is in compliance as provided in the Order and a Code

Officer has issued an Affidavit of Compliance.

B. The Respondent must submit its written request on the appropriate form with supporting documentation to the extent available to the Recording Secretary at least ten (10) calendar days prior to the next regularly scheduled Board meeting. The Respondent's Request should include, in detail, any financial, health, or other extenuating circumstances that precluded compliance within the prescribed time period, which the Respondent wishes the Board to consider in evaluating the Request. The Code Enforcement staff may submit written comments in response to the Respondent's Request.

C. Once the Recording Secretary has deemed the Respondent's Request to be eligible for review by the Board, the Board shall receive the Request, any supporting documentation from the Respondent, and the City's comments in advance of the Hearing. At the Hearing, the Board may grant the Request as presented, deny the Request, or approve a modification of the requested relief.

D. If the Respondent wishes to provide oral testimony, an Appearance Request Form must be completed and handed to the Board's Recording Secretary before the case is called to be heard. The Recording Secretary shall then provide a copy of the Appearance Request Form to the Board Chairperson and the City's Code Enforcement Division Manager. Oral testimony from the Respondent and the City shall be limited to three (3) minutes each, excluding time for questions from the Board. Any testimony concerning the initial adjudication of the violation(s) or the penalty amount is not considered relevant as the Board's review is limited to circumstances that precluded compliance within the prescribed time period, which shall have been thoroughly documented in Respondent's Request. The Board shall only consider the Respondent's Request, any oral testimony as provided herein, and the City's written comments in its deliberations and not substantive issues involving the initial adjudication of the case itself.

E. The Respondent shall be notified, in writing, of the Board's action on the Request within five (5) days of the date on which the Request was considered by the Board.

F. The Board shall consider Requests only one time for each case.

G. The Board's decision shall be its final action on the case.

H. If the Respondent has exercised his or her right to appeal the Board's Order by filing a Notice of Appeal in the Circuit Court of the Ninth Judicial Circuit pursuant to section 162.11, Florida Statutes, the Board does not have jurisdiction to review the Request. The Respondent must file a motion with the Circuit Court requesting the Court to relinquish jurisdiction to the Board and the Court must grant such motion before the Board can consider the Request.

I. If the Respondent has paid the penalty or lien amount in part prior to the Hearing

on Respondent's Request for Reduction of Penalty, the Respondent is barred from seeking a reduction of that portion of the penalty or lien amount previously paid. If the Respondent has paid the penalty or lien amount in full prior to the Hearing on Respondent's Request for Reduction of Penalty, the Respondent is barred from seeking a reduction of the penalty or lien amount, and the Board may not consider the request for reduction. Any Penalty or lien amounts paid prior to the Hearing on Respondent's Request for Reduction of Penalty shall not be refunded, and the Board may not consider such request.

XI. Requests for Extension of the Compliance Date

A. The Respondent must submit its written Request for Extension of Compliance Date ("Request") on the appropriate form and with supporting documentation to the extent available to the Recording Secretary at least ten (10) calendar days before the next regularly scheduled meeting and prior to the expiration of the compliance date. If the Board's next regularly scheduled meeting will occur after the expiration of the compliance date, the Board's Chairperson may call a special meeting, in which case the Respondent will be notified, or the Board may waive the rule by a majority vote. Upon the submittal of the Request, the time period for compliance prescribed in the Board's Findings of Fact, Conclusions of Law and Order shall be tolled until the date of the Board's hearing on the Request.

B. The Respondent's Request should include, in detail, any financial, health, or extenuating circumstances which the Respondent wishes the Board to consider in evaluating the request. The Code Enforcement staff may submit written comments in response to the Request. The Board shall only consider, Respondent's Request, any oral testimony as provided herein, and the City's comments in its deliberations and not substantive issues involving the initial adjudication of the case itself.

C. Once the Recording Secretary has deemed the Respondent's Request to be eligible for review by the Board, the Board shall receive the Respondent's Request, any supporting documentation from the Respondent, and the City's comments in advance of the Hearing. At the Hearing, the Board may grant the Request as presented, deny the Request, or approve a modification of the requested relief.

D. If the Respondent wishes to provide oral testimony, an Appearance Request Form must be completed and handed to the Board's Recording Secretary before the case is called to be heard. The Recording Secretary shall then provide a copy of the Appearance Request Form to the Board Chairperson and the City's Code Enforcement Division Manager. Oral testimony from the Respondent and the City shall each be limited to three (3) minutes each, excluding time for questions from the Board.

E. The Respondent shall be notified in writing of the Board's action on the Request within five (5) working days of the date on which the Request was considered by the Board.

- F. The Board shall consider Requests only one time for each case.
- G. The Board's decision shall be its final action on the case.
- H. If the Board denies the Request, the compliance period shall no longer be tolled and shall continue to run until the number of days prescribed for compliance in the Board's Findings of Fact, Conclusions of Law and Order has expired.
- I. If the Respondent has exercised his or her right to appeal the Board's Order by filing a Notice of Appeal in the Circuit Court pursuant to section 162.11, Florida Statutes, the Board does not have jurisdiction to review the Request. The Respondent must file a motion with the Circuit Court requesting the Court to relinquish jurisdiction to the Board and the Court must grant such motion before the Board can consider the Request.

XII. Appeals

A. Requests for Rehearing: The Respondent or City agency may request a rehearing only on the Board's Findings of Fact, Conclusions of Law and Order. A Request for Rehearing Form must be submitted to the Recording Secretary within seven (7) working days of the date the Order was entered. The Request must include new evidence or circumstances that were not presented at the original hearing, and state the reason(s) that this new information was not presented at the original hearing. The Board shall review a timely request for rehearing at a special meeting pursuant to Section IV(B). The time period for compliance prescribed in the Board's Order shall be tolled unless and until the Board's Chairperson calls for a special meeting, in which case the Respondent will be notified. The Board shall vote whether to grant a rehearing. No oral testimony will be taken or evidence received at this time.

The Respondent will be notified in writing of the Board's action on the Request for Rehearing within ten (10) days of the hearing. If the Respondent or the City has exercised the right to appeal the Board's Order by filing a Notice of Appeal in the Circuit Court pursuant to section 162.11, Florida Statutes, the Board does not have jurisdiction to review a request for rehearing. The Respondent or the City must file a motion with the Circuit Court requesting the Court to relinquish jurisdiction to the Board and the Court must grant such motion before the Board can consider the request.

If the Board grants the request for rehearing, the Respondent and the Code Officer may present their case anew at the next available Board meeting or immediately, as decided by the Board. Respondent shall be notified accordingly. Upon hearing the case, the Board's Order shall either stand, be amended, or be vacated and superseded with the new Order.

B. Circuit Court: The Respondent or the City agency may appeal a final administrative order of the Board to the Circuit Court in Orange County, Florida. This

appeal is governed by the provisions set forth in § 162.11, Florida Statutes. The Notice of Appeal must be filed in the Circuit Court and with the Recording Secretary of the Code Enforcement Board within thirty (30) days of the execution of the Order. The appealing party is responsible for all filing fees charged by the Circuit Court.

XIII. Requests to Table Cases

A. If the Respondent would like the Board to table the case to the next month's Board meeting, the Respondent or his/her representative must make this request in person at the meeting at which the case is scheduled to be heard. The Board has the discretion to grant or deny such a request. The Board's decision shall be rendered orally at the time of the request. If the Respondent's request is denied, the Board will hear the case as it appears on the Agenda at that meeting.

B. The Board may also elect to table a particular case to the next month's Board meeting at any time upon its own motion.

XIV. Stipulations

At the request of the Respondent or upon the City's initiation, the City may present a proposed stipulation to the Board for consideration and approval. The proposed stipulation shall be between the City, the Respondent, and/or any other person or entity having an interest in the subject property. The stipulation may include, but shall not be limited to, conditions and deadlines for bringing the subject property into compliance, a reduction or waiver of fines, or any other matter or conditions affecting the subject property. Policy reasons for the stipulation may include, but are not limited to, promoting homeownership, encouraging development, reducing crime, or increasing sustainability of neighborhoods.

The Board may deny, approve, or modify the terms of the stipulation. The Board's decision shall be rendered orally at the time the stipulation is presented.

XV. Written Motions and Pleadings

A. Motions to Stay Code Enforcement Action

If the Respondent or the City has filed a Notice of Appeal with the Circuit Court pursuant to section 162.11, Florida Statutes, and files with the Board a Motion to Stay code enforcement action pending the appeal, the Board shall have jurisdiction to consider such motion and may grant, modify, or deny such relief at its discretion.

B. Other Miscellaneous Motions and Pleadings

The Board may consider other motions and pleadings filed with the Board by the Respondent or the City regarding a particular case at its discretion provided it has

jurisdiction to do so. The Board may consult with counsel for the Board on such motions and pleadings.

C. The Respondent shall be notified in writing of the Board's action on all motions and pleadings.

XVI. Other

A. Condemnation: In accordance with Chapter 5 of the Code of the City of Orlando, the Respondent or tenant(s) of a building or structure that was ordered condemned by the City agency may contest the City agency's decision to condemn. The same procedures will be followed as provided in the "Hearings" section set forth in Section VII herein. The Board shall orally issue a final Order affirming, reversing, or modifying the City agency's decision to condemn the building or structure at issue. Said Order shall be reduced to writing and mailed to the Respondent or tenant(s) within five (5) working days after the hearing.

B. Emergency City Action: In accordance with Chapter 14 of the Code of the City of Orlando, the Respondent or tenant(s) of a building, structure or other premises that upon which the City agency took emergency action to abate a public safety hazard, may contest the City agency's decision to take such action. The same procedures will be followed as provided in the "Hearings" section, set forth in Section VII herein. The Board shall orally issue a final Order affirming, reversing, or modifying the City agency's decision to take emergency action. Said Order shall be reduced to writing and mailed to the Respondent or tenant(s) within five (5) working days after the hearing.

C. Suspension or Revocation of After Midnight Alcohol Sales Permit: In accordance with Chapter 33, City Code, an establishment may request a hearing before the Board to appeal the suspension or revocation of an After Midnight Alcohol Sales Permit. The request for a hearing must be in writing and allege findings of fact and conclusions of law supporting the establishment's challenge. All requests must be submitted to the Recording Secretary within fourteen (14) days after the issuance of an order of suspension or revocation by the Hearing Officer. The Board will hear the challenge during its next available regular meeting and shall conduct a de novo hearing. The same procedures will be followed as provided in the "Hearings" section set forth in Section VII herein.

XVII. Miscellaneous

A. The enabling legislation for this Policy and Procedures of the Code Enforcement Board of the City of Orlando ("Policy and Procedures Manual") is provided in Chapter 162, Florida Statutes and Chapter 5 of the Code of the City of Orlando.

B. This Policies and Procedures Manual may be altered, in a manner not inconsistent with the City Code, during a regular meeting by the affirmative vote of at least four (4)

members of the Board provided notice of the proposed change is given to the Board at a preceding regular meeting.

C. The provisions set forth in this Policy and Procedures Manual shall be discussed and/or adopted, or re-adopted by the Board annually at its regular organizational meeting.

D. All meetings, regular or special, and all hearings shall be open to the public in accordance with the provisions of the Florida “Sunshine Law” (Chapter 286, Florida Statutes).

E. All records of the Board shall be open to public examination, inspection and copying in accordance with the provision of the Florida “Public Records Law” (Chapter 119, Florida Statutes).