

Tanya Cannady, CPA, General Manager  
Ginny Cox, Finance Director  
Michael Hurley, Public Safety Director  
Tenille Smith, Community Services Director



Board of Supervisors:  
Curtis McCullough, President  
Richard Miller, Vice President  
David Halbig, Supervisor  
Richard Hulbert, Supervisor  
Larry White, Supervisor

## **REQUEST FOR SERVICES**

Sun 'n Lake of Sebring Improvement District will receive sealed resumes from:

### **INTERESTED AND QUALIFIED PROPOSERS TO PROVIDE CODE ENFORCEMENT SPECIAL MAGISTRATE SERVICES.**

#### **INSTRUCTIONS, TERMS AND CONDITIONS**

1. **BACKGROUND:** It is the intent of the Sun 'n Lake of Sebring Improvement District (DISTRICT) to promote, protect, and improve the health, safety and welfare of its citizens by appointing a Code Enforcement Special Magistrate with the authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances of the District where a pending or repeated violation exists. The successful individual will provide services on an as needed basis throughout the term of the agreement.
2. **TERM OF CONTRACT:** It is the intent of the District to award a Contract for a five (5) year term to begin upon and approval and execution by the District. The Contract may, by mutual assent of the parties, be extended for two (2) additional twelve (12) month periods.
3. **SCOPE OF SERVICES:**  
The scope of work to be performed by the awarded individual may consist of, but not be limited to the following:
  - The special magistrate shall conduct hearings relating to the enforcement violation of the codes of the District. It is not the function of the special magistrate to initiate enforcement proceedings or to inspect for code violations.
  - The special magistrate shall sit as an impartial hearing officer to determine, based on evidence presented during the hearing, if a violation exists.
  - The special magistrate shall have the jurisdiction and authority to affirm or modify any penalties imposed by the District's Code Enforcement officer.
  - The special magistrate has the jurisdiction and authority to determine the amount of reasonable expenses incurred by the District as a result of orders issued pursuant to the authority granted.

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- All hearings before the special magistrate shall be conducted so as to ensure fundamental due process.
- The special magistrate shall take testimony from any witness having knowledge concerning a hearing on a case. All testimony shall be under oath. The special magistrate shall have the power to administer an oath to any witness.
- As soon as practicable after the conclusion of the hearing, the special magistrate shall issue findings of fact based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted within the District code and consistent with chapter 162 of the Florida Statutes no later than 5 days after the hearing.
- All other relevant assignments relating to code enforcement special magistrate services, as requested.

4. QUALIFICATIONS/EXPERIENCE REQUIREMENTS:

The Respondent must submit qualification/experience which demonstrates the following:

- The special magistrate shall be a member of the Florida Bar who possesses an outstanding reputation for civic pride, interest, responsibility, and business or professional ability. The appointment shall be made by the Board of Supervisors on the basis of experience or interest in the field of code enforcement.
- Respondent must have good writing and presentation skills.
- Preference will be placed on individuals based out of Highlands County, Florida.
- Respondent shall be required to maintain records in accordance with local, State, and Federal Public Records Retention Requirements.

5. FEE FOR SERVICE: Respondent must submit hourly rates for Code Enforcement Special Magistrate Services. Hearing frequency is determined on complaints. Currently hearings are scheduled on an as needed basis. Review of complaint, research, attendance at hearing, should be considered in hourly rate.

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6. REQUIRED PROPOSAL SUBMITTALS:

- A. Proposals will be evaluated based on the information provided in the response. All documents should be type written and marked with "Request for Services Code Enforcement Special Magistrate Services" to facilitate effective evaluation by the General Manager.
- B. A letter of interest or executive summary, not to exceed three (3) additional pages, may also be included in the proposal.
- C. During this process, any intentional omissions, alterations, or false representations will be grounds for rejection. Proposals must include the following:
  - 1. Company or Personal Background
  - 2. Experience
  - 3. References
  - 4. Cost proposal

7. All questions regarding this request for services shall be directed to:

Ms. Tanya Cannady, CPA, District Manager  
Sun 'n Lake of Sebring Improvement District  
5306 Sun 'n Lake Blvd  
Sebring, FL 33872  
P: 863.382.2196 E-mail: [tcannady@snldistrict.org](mailto:tcannady@snldistrict.org)

- 8. The District shall have no liability to any RESPONDENT for any costs or expenses incurred in connection with the preparation and submittal of a response to this solicitation.

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The following excerpt is taken from the District Charter and overviews the responsibilities and duties of the Code Enforcement Special Magistrate:

*Special magistrates.*

(1)

*Appointment of special magistrates.* The board of supervisors of the district may, from time to time, appoint and retain one or more special magistrates to conduct administrative hearings for nuisance abatement and on appeals of citations issued by district code enforcement officers for violations of [section 9-102](#) of this article. Each of the special magistrates shall be an attorney licensed to practice in the State of Florida as a member of the Florida Bar who has practiced law in Florida for at least five years, and who has experience in land use law, litigation, local governmental law or administrative law.

(2)

*Term, compensation.* Each special magistrate shall serve at the pleasure of the board of supervisors of the district and shall be compensated at a rate or rates to be determined by the board of supervisors of the district.

(3)

*Support personnel.* The board of supervisors shall provide such clerical, administrative personnel and legal services as the board of supervisors shall deem to be reasonably required to assist the activities of the special magistrate for the proper performance of the special magistrate's duties (i.e., assistance with mailing notices, recording hearings, taking minutes, etc.). Special magistrates shall not be authorized to engage or hire any person, except those provided by the board of supervisors, to assist the special magistrate in the performance of the special magistrate's duties.

(4)

*Ex parte communication.* The rules and procedures regarding ex parte communication as set forth below shall apply to special magistrates, district employees, district elected officials, and every other person who is or may, as a result of a currently outstanding notice of violation or citation, become a party to a nuisance abatement hearing or a citation appeal before a special magistrate pursuant to this article:

a.

No district employee, district elected official or other person who is or may, as a result of a currently outstanding notice of violation or citation, become's party to a nuisance abatement hearing or a citation appeal before a special magistrate shall

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engage in an ex parte communication with the special magistrate appointed pursuant to this section. However, the foregoing does not prohibit discussions between the special magistrate and district staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the hearing or appeal.

b.

If a person engages in an ex parte communication with the special magistrate, the special magistrate shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum stating the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be entitled to do so, but only if such party requests the opportunity for rebuttal within ten days after notice of such communication. If he or she deems it necessary due to the effect of an ex parte communication received by him or her, the special magistrate may withdraw from the case.

c.

Any person who makes an ex parte communication prohibited by subsection (4)a. of this section and any special magistrate who fails to place in the record any such communication, as required by subsection (4)b., shall be guilty of a violation of County Code enforced pursuant to the provisions of division 4 of article XII of [chapter 2](#) of the Code of Ordinances, Highlands County, Florida, and shall be punishable as a Class IV violation as provided in sections [2-381](#) and [2-382](#) of the Code of Ordinances, Highlands County, Florida.

(5)

*Prohibited from acting as agent or attorney for subject matter.* A special magistrate, and any firm with which he or she is or may become associated, is prohibited for a period of three years after issuance of a decision regarding a nuisance abatement hearing or a citation appeal from acting as an agent or attorney on any matter involving the alleged violator who was the subject of the nuisance abatement hearing or the citation appeal in which the special magistrate presided. Any person who violates this section shall be guilty of a violation of County Code enforced pursuant to the provisions of division 4 of article XII of [chapter 2](#) of the Code of Ordinances, Highlands County, Florida, and shall be punishable as a Class IV violation as provided in sections [2-381](#) and [2-382](#) of the Code of Ordinances, Highlands County, Florida.

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(6)

*Powers.* The special magistrate shall have the power to:

- a. Adopt rules for the conduct of hearings by the special magistrate;
- b. Subpoena alleged violators and witnesses and evidence to the hearings. Subpoenas maybe served by the Highlands County Sheriff's Department;
- c. Take testimony under oath;
- d. Determine whether cited violations occurred;
- e. Determine whether a reasonable time period for compliance was given;
- f. Assess and order the payment of civil penalties, fines and administrative costs as provided in sections [9-104](#) and [9-105](#) of this article, including costs incurred by the district for the investigation and prosecution of the matter, for the administrative hearing, and for the recording of orders and satisfactions of liens;
- g. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance with [section 9-102](#) of this article, and to order the respondent or authorize the district to take the steps which are necessary to correct the violation or to ensure public safety so as to protect persons or property;
- h. Assess and order the payment of the reasonable expenses incurred by the district for correcting any violation or complying with any order of the special magistrate issued under this section;
- i. Impose liens as provided in this article; and
- j. Determine whether the violation has been corrected.