

Code Enforcement Board and Magistrate Pros and Cons

Both processes governed by F.S. 162 and may be used interchangeably.

Code Enforcement Board

Pros

- Potential public perception that the members of the Code Enforcement Board are impartial because they are volunteers and are residents of the County.
- Code Board is required to include members from specific professions, including real estate, an attorney, an architect, a general contractor, a sub-contractor, and an engineer, in order to provide expertise.
- Decisions are made as a group, which presumptively overcomes any group bias that may exist.

Cons

- Member expertise in hearing different types of code violations is limited to the individual profession and prior experience of each member.
- Code Enforcement Board requires a quorum for decisions to be made. Therefore, emergency meetings may be harder to schedule.
- Individual members may have previous ties with the violator, and can thus be seen as partial in their decision-making.
- Decisions can be affected by groupthink, where decisions are made to not disrupt the balance of the group.

Special Magistrate

Pros

- Special Magistrates are attorneys and must adhere to strict professional requirements, including following a code of ethics.
- Special Magistrate decisions are individual decisions, and do not require a quorum. Therefore, emergency meetings are easier to schedule.
- Special Magistrates are able to hear cases at a faster pace.

Cons

- Magistrate expertise in hearing different types of code violations is limited to the profession and prior experience of the magistrate.
- Special Magistrates are paid by the County, and may have the potential public perception of being more inclined to side with staff.