



Town of Loxahatchee Groves Code Enforcement

Code Hearings & The Special Magistrate

The Special Magistrate of the Town of Loxahatchee Groves is created pursuant to state law and has the authority to hear violations of the Town of Loxahatchee Groves Code of Ordinances and of other codes in effect within the Town of Loxahatchee Groves. They have the authority to and may levy fines of up to \$250.00 per day per violation for a first occurrence and up to \$500.00 per day per violation for a repeat occurrence for every day the violation existed or remains in existence beyond the date the Special Magistrate sets for compliance (*Section 162.09, Florida Statutes*). It is the duty of the Special Magistrate to make a determination of whether the violation you have been charged with exists. If a violation does exist, the Special Magistrate will afford you an opportunity to correct the violation and will issue an order saying how long you have to correct the violation and what penalties may be imposed should you fail to correct the violation within the time specified.

When you come before the Special Magistrate, you will have an opportunity to present your case. However, you do have the option of acknowledging that you are in violation. If you do so, you may stipulate that a violation exists and request a time for compliance and ask that the Special Magistrate issue such an order. The Special Magistrate will specify the time for compliance and the fine to be levied if you fail to correct the violation within the time specified.

You may, of course, plea that you are not in violation. The Code Compliance Department will then have the opportunity to present its case. You will have the opportunity to cross-examine anyone who speaks on behalf of the Code Compliance Department or the Town. Following the Department's presentation of its case, you will have the opportunity to present your case, and the Department may, if it chooses, cross-examine you or any of your witnesses. Members of the public are also permitted to speak and you or the Department may cross-examine any member of the public who speaks. After all evidence has been presented to the Special Magistrate, he/she will then make his/her finding as to whether a violation exists. If the Special Magistrate finds that a violation does exist, he/she will set a time for you to correct the violation, and will advise you of the fine that will be levied if you fail to correct the violation within that time. The fines which are set by the Special Magistrate will become a lien on your property until the violations are corrected and the penalties assessed are settled.