

MEMORANDUM OF UNDERSTANDING
Between the Division of Administrative Hearings
and the City of Deltona, Florida

This Memorandum of Understanding ("MOU") is entered into between the Division of Administrative Hearings ("DOAH") and City of Deltona, Florida ("City"). This MOU outlines the procedures and responsibilities for conducting administrative hearings pursuant to sections 120.65(6) and 162.07, Florida Statutes, and City of Deltona Ordinance Section 2-53 in City of Deltona, Florida.

Procedures and Responsibilities

The City will prepare an agenda of cases each month for code enforcement hearings it requests of DOAH pursuant to City of Deltona Ordinance Section 2-102. The City's request for hearing shall state the relief requested, including the amount of the fine and specific costs to be imposed, if DOAH determines a violation of City of Deltona Ordinance Section 2-105 has occurred. The City shall calculate and the amount of fine, not to exceed the statutory maximum. It shall also describe the process for evidence submission and hearing cancellation.

The City will coordinate with DOAH to determine the hearing date(s) for each month and the number of cases DOAH will hear per hearing docket. The City will prepare each hearing docket.

DOAH shall provide an Administrative Law Judge ("ALJ") to preside over each hearing docket prepared by the City. The City shall provide each ALJ with access to an online system utilized by the City to store, access, and manage, case-related materials, including evidence, docket information, correspondence, and orders. The City shall upload timely-submitted evidence into the online system before the hearing.

The hearings shall be conducted pursuant to the procedures in City of Deltona Ordinance 2-104, and the City shall be responsible for providing notice of the hearing to the alleged violator(s), preserving the record of the hearing, and issuing

the post-hearing order prepared by the ALJ.

The City is responsible for coordinating and providing interpreter services and for handling requests for accommodations under the Americans with Disabilities Act (ADA) related to the hearing process. The City shall include information in the request for hearing and the Notice of Hearing regarding interpreter services and ADA accommodations.

The City may reschedule hearings upon request. If the rescheduling request is contested, the request shall be referred to DOAH for a ruling by the assigned ALJ. The City shall notify DOAH of the contested request and shall upload the request and any supporting or opposing documentation to the online system for the assigned ALJ's review. The assigned ALJ shall review the request and enter a ruling indicating whether the request is granted or denied. The City shall issue an Amended Notice of Hearing reflecting the new hearing date and time if the request is granted, or shall issue a written notice or order informing the petitioner that the rescheduling request has been denied.

If the case is dismissed prior to the hearing, the City shall issue a Dismissal Letter and amend the docket in the online system.

The City shall either provide the ALJ access to a virtual hearing platform (e.g., Zoom) or shall use the virtual hearing platform information specific to the ALJ.

The City shall provide a form order template for the ALJ to enter the findings of fact and conclusions of law in the order required by the City of Deltona.

The City is responsible for issuing the ALJ's Order in accordance with the mailing and service requirements of the City of Deltona Ordinance Section 2-105. The City shall handle all post-hearing enforcement, collections, and case closure, except that the City may request subsequent hearings to impose or foreclose a lien, pursuant to City of Deltona Ordinance 2-109.

Public Records and Recordkeeping

The City shall be responsible for compliance with Florida's public records laws, including Chapter 119, Florida Statutes, and applicable records retention

requirements for all records associated with the administrative hearings conducted pursuant to this MOU. This includes, but is not limited to, hearing recordings, evidentiary materials, notices and other correspondence to and from petitioners, and Orders, all of which are stored and maintained on systems controlled by the City. DOAH is not the custodian of any records maintained in the online system, the hearing platform, or any other systems operated by the City. The City shall defend, indemnify, and hold harmless DOAH from any claims, demands, causes of action, damages, or penalties arising out of or related to the City's failure to comply with Florida public records law or records retention requirements.

Other Provisions

This MOU supplements the parties' existing Administrative Law Judge Services Contract, which governs compensation and other general terms. This MOU may be amended in writing by mutual agreement of the parties.

Liaison Contacts

Each party shall designate a liaison to coordinate scheduling, address operational matters, and respond to time-sensitive concerns:

Division of Administrative Hearings: Judge John VanLaningham

Email: John.VanLaningham@doah.state.fl.us

City of Deltona, Florida: Danny Ron, Code Supervisor

Email: dron@deltonafl.gov

**STATE OF FLORIDA,
DIVISION OF ADMINISTRATIVE HEARINGS**

By: _____ Date: _____

Megan S. Silver
Executive Director & Administrative Law Judge

CITY OF DELTONA, FLORIDA

By: _____ Date: _____

Name: Dale "Doc" Dougherty
Title: City Manager