

IN THE CIRCUIT COURT FOR THE  
NINETEENTH JUDICIAL CIRCUIT IN AND  
FOR INDIAN RIVER COUNTY, FLORIDA.  
**APPELLATE DIVISION**

Circuit Case No. 17-AP-6

ROBERT ZITZMAN,

Appellant,

v.

Not final until time expires for filing motion  
for rehearing, and if filed, disposed of.

CITY OF SEBASTIAN,

Appellee.

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Decision filed September 25, 2018.

Appeal from the Code Enforcement Special Magistrate for the City of Sebastian, Kelley H. Armitage.

Lindsey Sharp, Indialantic, for appellant.

Cynthia Hall, VaDeVoorde Hall Law, PL, Sebastian, and James Stokes, City Attorney, Sebastian, for appellee.

PER CURIAM.

Procedural due process consists of fair notice and an opportunity to be heard. *Keys Citizens for Responsible Government, Inc. v. Florida Keys Aqueduct Authority*, 795 So. 2d 940, 948 (Fla. 2001) (citing *Department of Law Enforcement v. Real Property*, 588 So.2d 957, 960 (Fla.1991)). The “notice must be ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The notice must be of such nature as reasonably to convey the required information, and it must afford a reasonable time for those interested to make their appearance.’” *Id.* (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

In the instant case, the three charges described on the notice of violation fail to adequately inform Appellant of his violations and thus fail to provide him notice as required.

*Reversed.*

SCHWAB, CROOM, JJ., and ALONZO, Acting Circuit Judge, concur.

Copies of above decision  
were furnished to the attorneys/parties  
of record on the same date  
the decision was filed.