

QUASI-JUDICIAL PROCEDURES

1. Definitions

Affected Party.

- a. An affected party is any person who is entitled to actual written notice of a petition before the decision-making body, pursuant to applicable law or ordinance.
- b. An affected party who is not entitled to actual written notice but who believes that he has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected-party status by filing an application with the board clerk. The decision-making body shall consider the application for affected party status prior to the commencement of the quasi-judicial hearing. The decision on affected party status of the decision-making body shall be final.

Conflict of Interest

Conflict of interest means a situation in which regard for a private interest may tend to lead to disregard of a public duty or interest and includes those situations set forth in Chapter 112, Florida Statutes.

Ex Parte Communication

Ex parte communication means an oral or written communication made to a member of a decision-making body by, or on behalf of, a petitioner, affected party, or otherwise, about the merits of an action before the decision-making body, or foreseeably anticipated to come before the decision-making body, outside of a public meeting of the decision-making body and without notice to the petitioner or affected parties.

Petition

Petition means both an application for an action and a request for appeal of a decision of a decision-making body.

Petitioner

Petitioner means both the applicant when an application is being heard for the first time and the party appealing a decision of a decision-making body.

2. Order of Proceedings.

- A. The order of presentation, with corresponding time limits for each presentation, shall be as follows:

ORDER	ITEM
1	Introduction of the Petition
2	Petitioner Presentation
3	Staff Presentation
4	Affected Party (if any) For
5	Affected Party (if any) Against

6	Rebuttal (petitioner/Staff)
7	Close of Quasi-Judicial Proceeding
8	Public Hearing
9	Vote of Decision-Making Body

- B. Cross examination is limited to ten (10) minutes per witness.
- C. The time limits set forth above may be modified by the decision-making body upon request of a party to the proceedings. Said request shall detail the additional time desired and the subjects to be discussed during the requested additional time. A request for an extension of time should be considered by the decision-making body to assure all parties have a full fair opportunity to participate without undue repetition and delay.
- D. The decision-making body may, in its discretion and at any time during the hearing, continue the hearing and request further information from any party.
- E. Any petitioner or affected party may be represented by an attorney.
- F. Registration of Affected Parties. In order to participate in the formal quasi-judicial proceeding, all affected parties shall complete a registration card in the form prescribed by the decision-making body, starting their name and address and other pertinent information and whether they support or oppose the petition before the decision-making body. The registration card shall be delivered to the decision-making body at the proceeding after determination of affected party status. If an attorney represents an affected party or several affected parties, the attorney shall complete the registration card and identify the person or persons they represent and whether their client supports or opposes the petition before the decision-making body.
- G. Commencement of the Hearing.
 1. The appropriate Town staff shall introduce the case and shall provide a brief description of the petition. This introduction shall not be considered evidence in the proceeding, and the member(s) of the Town staff presenting the introduction shall not be subject to cross-examination by any party to the proceedings.
 2. Ex parte communications and conflicts of interest.
 - a. Ex parte communications. Members of the decision-making body shall disclose any ex parte communications that may have occurred concerning the petition. The petitioner and any affected party may examine, through the chair, each decision maker about these communications.
 - b. Conflicts of interest. The petitioner and any affected party may challenge the impartiality of any decision-maker in accordance with Section B-Conflicts of Interest, below.
 3. In the interest of saving time, the Petitioner, Town staff, affected parties, and all witnesses shall be collectively sworn in by the appropriate Town staff.
- H. Evidence.
 1. Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the decision-making body is inadmissible. The decision-making body shall make rulings on objections to the relevance and materiality of the examination. A decision-making body member, party or Town staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence.

2. The examination of witnesses shall be conducted under oath by direct examination on matters which are relevant and material to the issues before the decision-making body. After the conclusion of direct examination, the witness may be cross examined by another party, decision-making body member, or Town staff. The inquiry under cross examination shall be limited to matters raised in the direct examination of the witness being examined. No redirect shall be allowed unless requested by a party stating the desired area of inquiry and that request is approved by the decision-making body. If re-direct is allowed, it shall be limited to questions of the witness on issues raised on the cross-examination. This provision shall not limit a decision-making body member from questioning any person on matters relevant to the petition before the decision-making body.
 3. During the presentation by the opponents or proponents of an issue before the decision-making body, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.
- I. Public Hearing. After the quasi-judicial hearing is completed, those members of the public who were not a party to the quasi-judicial hearing may be permitted to speak up to three (3) minutes and present testimony to the decision-making body. No party, petitioner, Town staff or witness shall speak during the public hearing portion of the proceedings.
 - J. Decision and Final Order.
 1. After the public hearing, the decision-making body shall vote to approve, deny, or approve with conditions the petition. In reaching its decision, the decision-making body shall only consider evidence presented at the hearing and shall base its decision on the competent, substantial evidence of record.
 2. After voting, the chair of the decision-making body shall orally issue an order consistent with the vote of the decision-making body.
 3. The order shall be reduced to writing and shall include findings of fact and conclusions of law and state whether the petition is approved, denied, or approved with conditions. The order shall also specify any conditions, requirements or limitations on the approval of the petition. The chair of the decision-making body and the clerk shall execute the order as it is approved. Executed copies of the order shall be sent by certified mail to the petitioner and any affected party.
 4. If applicable, the final executed order shall be a Final Development Order under applicable law or ordinance. Notice of all Final Development orders must be recorded in the Official Records of Levy County at the petitioner's expense using a form provided by the Town.