



## FLORIDA DEPARTMENT *of* STATE

RICK SCOTT  
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING  
Secretary of State

October 17, 2011

Mr. Bob Inzer  
Clerk of the Circuit and County Courts  
Leon County  
Post Office Box 726  
Tallahassee, Florida 32303

RECEIVED  
11 OCT 17 PM 4:46  
FINANCE DIVISION  
BOB INZER  
CLERK CIRCUIT COURT

Attention: Rebecca L. Vause, Deputy Clerk

Dear Mr. Inzer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 17, 2011 and certified copy of Leon County Ordinance No. 11-23, which was filed in this office on October 17, 2011.

Sincerely,

*Liz Cloud* (ak)

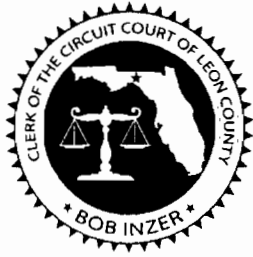
Liz Cloud  
Program Administrator

LC/jw



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**Bob Inzer**  
Clerk of Circuit Court  
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Clerk of Courts ❖ Clerk of County Commission ❖ Auditor ❖ Treasurer ❖ Recorder ❖ Custodian of County Funds

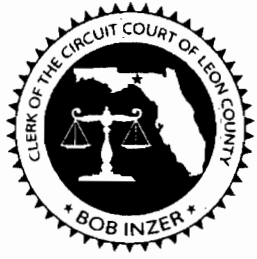
October 17, 2011

Florida Department of State  
Bureau of Administrative Code  
R.A. Gray Building #101  
500 South Bronough Street  
Tallahassee, FL 32399-0250

FILED  
2011 OCT 17 PM 4:21  
TALLAHASSEE, FL  
DEPARTMENT OF STATE

This is to certify that the person signing below received a true certified copy of Leon County Ordinance 11-23.

Date Received: 10/17/11  
Time Received: 4:21  
Person Receiving: Abbie Koon



**Bob Inzer**  
**Clerk of Circuit Court**  
**WWW.CLERK.LEON.FL.US**

Clerk of Courts ❖ Clerk of County Commission ❖ Auditor ❖ Treasurer ❖ Recorder ❖ Custodian of County Funds

October 17, 2011

Ms. Liz Cloud  
Florida Department of State  
Bureau of Administrative Code  
R.A. Gray Building #101  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: Leon County Ordinance 11-23

Dear Ms. Cloud:

Pursuant to Section 125.66, Florida Statutes, attached please find a true certified copy of Ordinance 11-23, as adopted by the Board of County Commissioners of Leon County, at a regular meeting held on Tuesday, October 11, 2011.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Vause".

Rebecca L. Vause  
Deputy Clerk

Attachments



1 provided any such request for an extension is received prior to the expiration of the relevant time  
2 period. ~~Upon determination of completeness, the county administrator or designee may refer the~~  
3 ~~application to the DRC. The DRC shall make a determination within ten working days of the~~  
4 ~~referral of an application and forward the determination to the County Administrator or designee~~  
5 ~~for review pursuant to subsection (d), below. The referral of an application to the DRC shall stay~~  
6 ~~the period for the county administrator's or designee's decision.~~

7 (d)(e) Public notice. Public notice of the Type A application consistent with the  
8 provisions of Sec. 125.66(4)(b)2. and 3. shall be published within seven calendar days of receipt  
9 of application. Notice of the application must be prominently posted at the job site. Notice of  
10 the application must clearly delineate that an aggrieved or adversely affected person has the right  
11 to request a quasi-judicial hearing before a special master, must explain the conditions precedent  
12 to the appeal of any development order rendered on the application, and must specify where  
13 written procedures can be obtained that describe the process to appeal the decision of the County.

14 (d) (e) Review at Application Review Meeting and decision by County Administrator  
15 . County administrator review. ~~Public notice of the review of the application shall be provided~~  
16 ~~to the applicant and other parties identified pursuant to subsection below. The Application~~  
17 Review Committee ~~county administrator or designee~~ shall review the application for compliance  
18 with applicable regulations ~~the criteria set out subsection 10-7.402 5., above;~~ and, if necessary,  
19 receive input from any appropriate agencies. The Application Review Committee ~~county~~  
20 ~~administrator or designee~~ shall render a written recommendation to the County Administrator or  
21 designee recommending preliminary decision approving, approving with conditions, or denying  
22 the application. The County Administrator or designee shall render a written preliminary  
23 decision within ~~ten working~~ fourteen calendar days from the date that the application is

1 determined complete, pursuant to subsection (c) above; ~~or, if applicable, within 10 working days~~  
2 ~~of date of the issuance of the determination of the DRC, pursuant to subsection (c), above.~~  
3 Within five calendar days of the decision, notice of the written preliminary decision shall be  
4 provided to the applicant and persons who submitted written comments, provided the person's  
5 mailing address is readily ascertainable on the face of the written comments provided.

6 (f) Approval Subject to Conditions. Subsequent to the action of the Ceounty  
7 Aadministrator or designee to approve a Type A site and development plan subject to conditions,  
8 the applicant shall furnish for review and verification by the county administrator or designee, a  
9 revised site and development plan application, demonstrating compliance with all conditions.  
10 The revised site and development plan shall be submitted to the county administrator or designee  
11 within 90 days of the date of approval entity's action; however, the applicant may, upon  
12 demonstration of good faith effort and hardship that is not self-created, be granted a 90-day  
13 extension by the county administrator or designee. Subsequent 90-day extensions may be  
14 requested and granted, based on the same criteria. Failure to comply with these time limits shall  
15 render the site and development plan application approval expired.

16 ~~(e) *Public notice.* Public notice of the Type A application shall be given within seven~~  
17 ~~calendar days of receipt of application, in a newspaper of regular and general circulation in the~~  
18 ~~county.~~

19 (g)(f) *Notice of the Application Review Meeting.* ~~In addition, p~~ Public notice of the  
20 Application Review Meeting shall be mailed at least ~~five~~ seven calendar days in advance of the  
21 ~~public~~ meeting to the current address (based upon the most current tax rolls in the office of the  
22 Leon County Property Appraiser) of each property owner whose property is located within 600  
23 feet of the project and to registered homeowners associations ~~neighborhood~~ and business

1 associations of property within 600 feet of the project. The public notice shall advise such  
2 persons of the application, and specify that input and comments regarding the application should  
3 be sent to the department of development support and environmental management. The public  
4 notice shall advise that the application will be reviewed by staff at a public Application Review  
5 Meeting ~~technical review staff meeting~~ and provide the date, time, and place of that meeting. The  
6 public notice shall advise that ~~no public testimony will be taken at the technical review staff~~  
7 ~~meeting and that~~ the application will be subject to administrative review and not subject to quasi-  
8 judicial provisions. The notice must also include a statement that, as a condition precedent to  
9 filing an appeal, in order to qualify as an aggrieved or adversely affected person for purpose of  
10 challenging the county's determination with regard to approval or denial of the application, one  
11 must submit written comments regarding the application to the department of development  
12 support and environmental management prior to the adjournment of the Application Review  
13 Meeting at which the written preliminary decision on the development application is made. ~~in~~  
14 ~~response to the public notice no less than seven calendar days from the date of newspaper~~  
15 ~~publication.~~ Required notices may be provided in combination with other notices.

16        ~~(f)~~(h) *Appeals*. The decision of the county administrator or designee shall become final  
17 15 calendar days after it is rendered unless an applicant or a person who qualifies as a party, as  
18 defined in Section 10-7.414 ~~Section 10-7.703~~ has filed written comments with the Department of  
19 Development Support and Environmental Management prior to the adjournment of the meeting  
20 at which the decision was rendered ~~in response to subsection (e), above,~~ files a Notice of Intent  
21 to file an appeal of a decision on a site and development plan application ~~to file an administrative~~  
22 ~~appeal to be heard by a special master.~~ Subsequent to the filing of a Notice of Intent, a Petition  
23 must be filed within 30 calendar days from the date of rendition of the decision. Petitions shall

1 be made in writing and filed at the Department of Development Support and Environmental  
2 Management directed to the Clerk of the DRC, and shall include the project name, application  
3 number, a description of the facts upon which the decision is challenged, all allegations of  
4 inconsistency with the Comprehensive Plan and land development regulations, and any argument  
5 in support thereof. Failure to file ~~either~~ both a Notice and ~~of~~ Intent or a Petition is jurisdictional  
6 and will result in a waiver of the hearing. Appeals heard by a special master will be conducted in  
7 accordance with the procedures outlined in section 10-7.414 and 10-7.415.

8 **Section 3.** Chapter 10, Article VII, Division 4, Section 10-7.404 of the Code of Laws of  
9 Leon County, Florida, is hereby amended to read as follows:

10 **Sec. 10-7.404. Type B review.**

11 \* \* \*

12 (d) *Public notice of Application.* Public notice of the Type B application shall be  
13 ~~given~~ published consistent with the provisions of Sec. 125.66(4)(b)2. and 3. within seven  
14 ~~calendar days of receipt of application, in a newspaper of regular and general circulation in the~~  
15 ~~County~~ and mailed to each property owner, based upon the most current tax rolls in the Office of  
16 the Leon County Property Appraiser, owning property within 800 feet of the project and to  
17 registered home owners associations and business associations of property within 800 feet of the  
18 project. Notice of the application must be prominently posted at the job site. Notice of the  
19 application must clearly delineate that an aggrieved or adversely affected person has the right to  
20 request a quasi-judicial hearing before a special master, must explain the conditions precedent to  
21 the appeal of any development order rendered on the application, and must specify where written  
22 procedures can be obtained that describe the process to appeal the decision of the County.  
23 Required notices may be provided in combination with other notices.

1           (e) DRC meeting notice. Public notice of the DRC meeting shall be given at least seven  
2 ~~five~~ calendar days in advance of the meeting by publication in a newspaper of regular and  
3 general circulation in the county. In addition, written notice shall be mailed at least five calendar  
4 days in advance of the DRC meeting to the current address (based upon the most current tax rolls  
5 in the office of the Leon County Property Appraiser) of each property owner within 800 feet of  
6 the project and to registered neighborhood and business associations of property located within  
7 800 feet of the project. Notices shall advise such persons of the application, and specify that the  
8 application will be reviewed by staff at a public DRC meeting and provide the date, time, and  
9 place of that meeting. The public notice shall also advise that no testimony may be heard by the  
10 DRC at their meeting since it is an administrative review and not subject to quasi-judicial  
11 provisions. Notices must state that an aggrieved or adversely affected person has the right to  
12 request a quasi-judicial hearing, and must also include a statement that, ~~in order to qualify as as a~~  
13 condition precedent to filing an appeal, an aggrieved or adversely affected person, one must  
14 submit written comments regarding the application to the ~~DRC~~ Clerk of the DRC prior to the  
15 adjournment of the DRC meeting at which the written preliminary decision on the development  
16 application is made. ~~in response to the public notice of the DRC meeting on the~~  
17 ~~application.~~ Required notices may be provided in combination with other notices.

18           ~~(e)~~(f) DRC meetings. No testimony shall be received from any applicant or member of  
19 the public during the course of the DRC meeting, although written comments may be provided to  
20 the DRC and the meetings shall be open to public attendance. Each member of the DRC is  
21 responsible for providing proposed written findings which identify whether a development meets  
22 the applicable criteria and standards of this chapter and those imposed by other applicable  
23 ordinances, regulations and/or adopted standards of the county. The proposed written findings

1 shall be transmitted to other members of the DRC, the applicant, and made available for public  
2 inspection at least one working day prior to consideration by the DRC. The proposed written  
3 findings shall be the basis for a recommendation by each DRC member for the ~~to the~~ DRC as a  
4 whole to issue a written preliminary decision to approve, approve with conditions, or deny the  
5 application. Absent a written preliminary decision, the DRC may continue consideration of an  
6 application to a date and time certain.

7 ~~(f)~~(g) *DRC review.* The DRC shall review the application plans at any scheduled  
8 meeting, and shall prepare and submit to the county administrator or designee a written  
9 preliminary decision including an itemized list of findings of fact which support the preliminary  
10 decision of approval, approval with conditions, or denial of the application; or shall request  
11 additional material and data determined to be necessary to undertake the required review and  
12 continue its review to a date and time certain. Within five calendar days of the decision, notice of  
13 the written preliminary decision shall be provided to the applicant and persons who submitted  
14 written comments, provided the person's mailing address is readily ascertainable on the face of  
15 the written comments provided.~~The county administrator or designee shall notify the applicant of~~  
16 ~~the written preliminary decision of the DRC within five working days of the decision by the~~  
17 ~~DRC.~~—The written preliminary decision of the DRC shall include a statement that an aggrieved  
18 or adversely affected person may request a quasi-judicial hearing pursuant to paragraph (h)  
19 herein.

20 ~~(g)~~(h) *Conditional Approval.* Subsequent to the action of the DRC to approve a Type B  
21 site and development plan subject to conditions ~~becoming final~~, the applicant shall furnish for  
22 review and verification by the DRC or their designee, a revised site and development plan  
23 application, demonstrating compliance with all conditions. The revised site and development

1 plan shall be submitted to the DRC or their designee within 90 days of the date of approval  
2 entity's action; however, the applicant may, upon demonstration of good faith effort and hardship  
3 that is not self-created, be granted a 90-day extension by the DRC or designee. Subsequent 90-  
4 day extensions may be requested and granted, based on the same criteria. Failure to comply with  
5 these time limits shall render the site and development plan application approval expired.

6 ~~(h)~~(i) *Appeals.* The written preliminary decision of the DRC shall become ~~the DRC's~~  
7 final ~~decision~~ 15 calendar days after it is rendered unless a person who qualifies as a party, as  
8 defined in Section 10-7.414 ~~Section 10-7.703~~, and who has filed written comments with the  
9 Department of Development Support and Environmental Management prior to the adjournment  
10 of the meeting at which the decision was rendered in response to subsection (d), above, files a  
11 Notice of Intent to file an appeal of a decision on a site and development plan application to file  
12 ~~an administrative appeal to be heard by a special master.~~ Subsequent to the filing of a Notice of  
13 Intent, a Petition must be filed within 30 calendar days from the date of rendition of the DRC's  
14 decision. Petitions shall be made in writing and directed to the Clerk of the DRC, and shall  
15 include the project name, application number, a description of the facts upon which the decision  
16 is challenged, and all allegations of inconsistency with the Comprehensive Plan and land  
17 development regulations, and any argument in support thereof. Failure to file both ~~either~~ a Notice  
18 of Intent and ~~or~~ a Petition is jurisdictional and will result in a waiver of the hearing. Hearings  
19 before a special master will be conducted in accordance with the procedures outlined in section  
20 10-7.414 and 10-7.415.

21 **Section 4.** Chapter 10, Article VII, Division 4, Section 10-7.405 of the Code of Laws of  
22 Leon County, Florida, is hereby amended to read as follows:

1 **Sec. 10-7.405. Type C review.**

2 \* \* \*

3 (d) *Public notice of Application.* Notice of the Type C application shall be ~~given published~~  
4 consistent with the provisions of Sec. 125.66(4)(b)2. and 3. within seven calendar days of receipt  
5 of application in a newspaper of regular and general circulation in the County and mailed to  
6 each property owner, based upon the most current tax rolls in the Office of the Leon County  
7 Property Appraiser, owning property within 1000 feet of the project and to registered home  
8 owners associations and business associations of property within 1000 feet of the project. ~~Notice~~  
9 ~~of the application shall be as set forth in section 10-7.402. 6.(d).~~ Notice of the application must  
10 be prominently posted at the job site. Notice of the application must clearly delineate that an  
11 aggrieved or adversely affected person has the right to request a quasi-judicial hearing before a  
12 special master, must explain the conditions precedent to the appeal of any development order  
13 rendered on the application, and must specify where written procedures can be obtained that  
14 describe the process to appeal the decision of the County.

15 (e) *Public Notice of the DRC meeting.* Public notice of the DRC meeting shall be given  
16 at least ~~five~~ seven calendar days in advance of the meeting by publication in a newspaper of  
17 regular and general circulation in the county. In addition, written notice shall be mailed at least  
18 five calendar days in advance of the DRC meeting to the current address (based upon the most  
19 current tax rolls in the office of the Leon County Property Appraiser) of each property owner  
20 within 1,000 feet of the project and to registered homeowners, neighborhood and business  
21 associations of property located within 1000 feet of the project. Notices shall advise of the  
22 substance of the application, and specify that no testimony may be heard by the DRC at their  
23 meeting since it is an administrative review and not subject to quasi-judicial provisions. The

1 notice must also include a statement ~~that an aggrieved or adversely affected person has the right~~  
2 ~~to request a quasi-judicial hearing, and that, in order to qualify as an aggrieved or adversely~~  
3 ~~affected person for purposes of challenging the proposed order of the DRC, one must submit~~  
4 ~~written comments regarding the application to the DRC in response to the public notice. that, as a~~  
5 condition precedent to filing an appeal, one must submit written comments regarding the  
6 application to the Clerk of the DRC prior to the adjournment of the DRC meeting at which the  
7 written preliminary decision on the development application is made. Required notices may be  
8 provided in combination with other notices.

9       ~~(e)~~(f) *DRC meetings.* DRC meetings are administrative and not quasi-judicial in nature.  
10 No testimony shall be received from any applicant or member of the public during the course of  
11 the DRC meeting, although the meetings shall be open to public attendance. Each member of the  
12 DRC is responsible for providing proposed written findings which identify whether a  
13 development meets the applicable criteria and standards of this chapter and those imposed by  
14 other applicable ordinances, regulations and/or adopted standards of the county. The proposed  
15 written findings shall be transmitted to other members of the DRC, the applicant, and made  
16 available for public inspection at least one working day prior to consideration by the DRC. The  
17 proposed written findings shall be the basis for a recommendation by each DRC member ~~for to~~  
18 the DRC as a whole to recommend approval ~~e~~, approval ~~e~~ with conditions, denial ~~y~~, or to  
19 continue consideration of an application to a date and time certain.

20       ~~(f)~~(g) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall  
21 prepare a recommended order including an itemized list of findings of fact which support a  
22 recommendation of approval, approval with conditions, or denial of the application; or shall  
23 request additional material and data determined to be necessary to undertake the required review

1 and continue its review to a date and time certain. The DRC shall provide the recommended  
2 order to the applicant, ~~and~~ the Board of County Commissioners, and to persons who have  
3 submitted written comments, provided that the address of the person is evident on the face of the  
4 comments provided. The Board of County Commissioner's review of the recommended order  
5 shall be advertised and scheduled at the next available date for public hearings before the Board  
6 of County Commissioners.

7 ~~(g)~~(h) *Appeals of a DRC recommended order on a Type C development application.* In  
8 order to appeal a recommended order of the DRC, a Notice of Intent to file an appeal of a  
9 decision on a site and development plan application must be filed with the Clerk of the DRC  
10 within 15 calendar days of the rendition of the recommended order. If a Notice of Intent ~~to file~~  
11 ~~an administrative appeal of the DRC's recommended order~~ is filed within 15 days of the  
12 rendition of the recommended order, the County Commission review of the DRC recommended  
13 order shall be placed in abeyance pending review and receipt of a recommended order from a  
14 special master. Final hearings before the Board of County Commissioners shall follow the  
15 procedures set out in Sec 10-7.415, rather than the procedures set out in subsection (h) of this  
16 section. Subsequent to the filing of a Notice of Intent, a Petition must be filed within 30 calendar  
17 days from the date of issuance of the DRC recommended order. Petitions shall be made in  
18 writing and directed to the Clerk of the DRC, and shall include the project name, application  
19 number, a description of the facts upon which the recommendation is challenged, and all  
20 allegations of inconsistency with the Comprehensive Plan and land development regulations, and  
21 any argument in support thereof. Failure to timely file a Notice of Intent and ~~or~~ a Petition is  
22 jurisdictional and will result in waiver of a hearing before a special master on the application.  
23 Hearings shall be conducted in accordance with the procedures outlined in sections 10-7.414 and

1 10-7.415. A Notice of Intent and Petition may be filed by the applicant, or a person qualified as  
2 a party as defined in Section 10-7.414 ~~10-7.703~~ who had filed comments in response to  
3 subsection (d) above.

4 ~~(h)~~(i) *Board of e-County e Commissioners review and decision:* The Board of County  
5 Commissioners shall review the application at a public hearing noticed in accordance with  
6 applicable provisions of the Florida Statutes. The Board of County Commissioners will review  
7 the application for compliance with the criteria set out in subsection 10-7.402. 5., ~~above~~, and  
8 render final decision regarding the application.

9 ~~(i)~~(j) Conditional Approvals. Subsequent to the action of the Board of County  
10 Commissioners to approve a Type C site and development plan subject to conditions-~~becoming~~  
11 ~~final~~, the applicant shall furnish for review and verification by the Board of County  
12 Commissioners or their designee, a revised application, demonstrating compliance with all  
13 conditions. The revised site and development plan shall be submitted to the Board of County  
14 Commissioners or their designee within 90 days of the date of approval entity's action; however,  
15 the applicant may, upon demonstration of good faith effort and hardship that is not self-created,  
16 be granted a 90-day extension by the Board of County Commissioners or designee. Subsequent  
17 90-day extensions may be requested and granted, based on the same criteria. Failure to comply  
18 with these time limits shall render the site and development plan application approval expired.

19 **Section 5.** Chapter 10, Article VII, Division 4, Section 10-7.414 of the Code of Laws of  
20 Leon County, Florida, is hereby amended to read as follows:

21 **Sec. 10-7.414. Procedures for quasi-judicial hearings before a special master.**

22 (A) *Appointment of a special master.* From time to time the Board of County  
23 Commissioners shall appoint and retain special masters or shall contract with the Florida

1 Division of Administrative Hearings for administrative law judges to conduct quasi-judicial  
2 proceedings regarding site and development plan applications. Each special master shall be a  
3 licensed attorney with the Florida Bar who has practiced law in Florida for at least five years,  
4 and who has experience in land use law, real estate law, local governmental law, or  
5 administrative law. None of the special masters or the law firms with which they may be  
6 associated shall be representing clients before any agency of the county government or any  
7 agency of any municipality in the county during the period in which they serve as special  
8 master.

9 (B) *Term, compensation.* Each special master appointed and retained by the Board of  
10 County Commissioners shall serve at the pleasure of the board and shall be compensated at a rate  
11 or rates to be fixed by the board.

12 (C) *Ex parte communication.*

13 (i) No county employee, elected official, or other person who is or may become a  
14 party to a proceeding before a special master shall engage in an ex parte communication with the  
15 special master. However, the foregoing does not prohibit discussions between the special master  
16 and county staff that pertain solely to scheduling and other administrative matters unrelated to  
17 the merits of the matter before the Special Master. ~~hearing.~~

18 (ii) If a person engages in an ex parte communication with the special master, the  
19 special master shall place on the record of the pending case all ex parte written communications  
20 received, all written responses to such communications, a memorandum stating the substance of  
21 all oral communications received, and all oral responses made, and shall provide the  
22 memorandum to all parties and advise all parties that such matters have been placed on the  
23 record. Any party desiring to rebut the ex parte communication shall be entitled to do so, but

1 only if such party requests the opportunity for rebuttal within ten days after receipt of notice of  
2 such communication. If the special master ~~he or she~~ deems it necessary due to the effect of an ex  
3 parte communication ~~received by him~~, the special master may withdraw from the case.

4 (iii) After the ~~receipt of~~ filing of a Notice of Intent ~~a petition for quasi-judicial hearing~~  
5 ~~before a special master~~, no party to the hearing may engage in any ex parte communication with  
6 a member of the Board of County Commissioners regarding the pending application for site and  
7 development plan or the issues in the pending hearing.

8 (D) *Prohibition from acting as agent or attorney for subject matter.* A special master,  
9 and any firm with which he or she is or may become associated, is prohibited for a period of  
10 three years, after issuance of the decision on the application which was the subject of a quasi-  
11 judicial hearing in which he or she presided, from acting as an agent or attorney on any matter  
12 involving property which was the subject of the proceeding in which the special master hearing  
13 officer presided. Violations of this subsection shall be prosecuted in the manner provided by  
14 general law.

15 (E) *Timeliness of requests for quasi-judicial hearings and standing determinations.*  
16 All determinations on the timeliness of notices of intent and petitions and all determinations of  
17 standing will be made by the special master ~~county attorney~~.

18 (F) *Standing.* Parties to the proceedings shall be limited to the County, the applicant,  
19 and any aggrieved or adversely affected person who has timely filed both a Notice of Appeal and  
20 a Petition to challenge a development order. The term “aggrieved or adversely affected party”  
21 shall mean any person or local government that will suffer an adverse effect to an interest  
22 protected or furthered by the local government comprehensive plan, including interests related to  
23 health and safety, police and fire protection service systems, densities or intensities of

1 development, health care facilities, equipment or services, and environment or natural resources.  
2 The alleged adverse interest may be shared in common with other members of the community at  
3 large but must exceed in degree the general interest in community good shared by all persons.

4 (F)(G) *Powers of special masters.* The special masters who conduct quasi-judicial  
5 proceedings pursuant to this section shall have the powers of special masters enumerated in F.S.  
6 § 120.569(2)(f), as well as to issue other orders regarding the conduct of the proceedings and the  
7 power to compel entry upon the land that is subject to the application at issue.

8 (G)(H) *Mediation.* Parties are encouraged to agree to formal mediation when an appeal is  
9 filed pursuant to this article. If agreed upon, mediation shall be ~~commenced within 30 days and~~  
10 ~~completed within 45~~ calendar days of the filing of the petition appeal, unless extended by  
11 stipulation of the parties to the appeal. Such mediation shall be conducted in accordance with the  
12 Florida Rules of Civil Procedures regarding mediation, and the county appellate proceedings  
13 ~~procedures shall be run~~ concurrent with mediation.

14 (G) (I) *Prehearing requirements.* At least seven days prior to the date set for the hearing,  
15 the parties shall exchange a list of names and addresses of witnesses planned to testify at the  
16 hearing, and a list of exhibits planned to be introduced at the hearing, as well as produce the  
17 physical exhibits for inspection by the parties. Each party is entitled to depose witnesses  
18 scheduled to testify at the final hearing.

19 (H)(J) *Hearings.*  
20 (i) All hearings shall be commenced within 60 calendar days of the date the petition  
21 was filed. ~~45 days of the date the written preliminary decision on the site and development plan~~  
22 ~~application was rendered.~~ Requests for continuance by any party, either before or during the  
23 hearing, may be considered and granted upon good cause shown.

1 (ii) All hearings shall be open to the public and shall be advertised in a newspaper of  
2 general circulation not less than 15 calendar days ~~14 days prior~~ to the date of the hearing.

3 (iii) The participants before the special master shall be the applicant, the applicant's  
4 witnesses, if any, county staff, and other parties as the term "party" is defined in this section~~in~~  
5 ~~section 10-7.701 of this Code, if any,~~ and witnesses of the parties, if any, and members of the  
6 public desiring to enter comments pursuant to subparagraph (v)d of this section. Any party who  
7 is not the applicant or county staff who participates at the hearing shall provide ~~leave~~ his or her  
8 mailing address to ~~with~~ the special master.

9 (iv) Testimony and evidence shall be limited to matters directly relating to the  
10 application and development. Irrelevant, immaterial or unduly repetitious testimony or evidence  
11 may be excluded.

12 (v) All testimony shall be under oath. The order of presentation of testimony and  
13 evidence shall be as follows:

14 a. The party challenging the DRC's written preliminary recommendation and his or  
15 her witnesses, if any.

16 b. The applicant, if not the party challenging the DRC's written preliminary decision,  
17 ~~and his or her~~ the applicant's witnesses, if any.

18 c. The county, and its ~~his or her~~ witnesses, if any, including county staff.

19 d. Comments by members of the public, if any.

20 (vi) To the maximum extent practicable, the hearings shall be informal. All parties  
21 shall have the opportunity to respond, to present evidence and argument on all issues involved  
22 which are related to the development order, and to conduct cross-examination and submit  
23 rebuttal evidence. During cross examination of witnesses, questioning shall be confined as

1 closely as possible to the scope of direct testimony. The special master may call and question  
2 witnesses or request additional evidence as he or she deems necessary and appropriate. To that  
3 end, if during the hearing the special master believes that any facts, claims, or allegations  
4 necessitate review and response by any party or parties ~~the applicant, staff, or both~~, then the  
5 special master may order the hearing continued until a date certain, but no longer than 15 days  
6 after the start of the hearing. The special master shall decide all questions of procedure and  
7 standing.

8 (vii) The standard of review applied by the special master in determining whether a  
9 proposed development order is consistent with the Comprehensive Plan shall be strict scrutiny in  
10 accordance with Florida law. The standard of review to determine whether the proposed  
11 development order is consistent with applicable Land Development Regulations shall be in  
12 accordance with Florida law.

13 (viii) The special master shall render a recommended order on the application to the  
14 Board of County Commissioners within 30 calendar days ~~ten days~~ after the hearing concludes,  
15 unless the parties waive the time requirement. The recommended order shall contain written  
16 findings of fact, conclusions of law, and a recommendation to approve, approve with conditions,  
17 or deny the application. A copy of the recommended order shall be served on all parties ~~mailed~~  
18 ~~to the party who requested the hearing, the applicant and any other interested member of the~~  
19 public who participated at the hearing. Service of copies may be made by electronic  
20 communication.

21 (K) The parties shall have 10 calendar days from the date of the recommended order  
22 is served to file specific, written exceptions to the recommended order with the clerk of the

1 Board of County Commissioners. Exceptions shall include appropriate references to the record  
2 before the special master.

3 ~~(L)(F)~~ *Action by Board of County Commissioners.* Upon receipt of the special master's  
4 recommended order, the board shall take up the matter pursuant to section 10-7.415 ~~10-7.416~~ of  
5 this Code.

6 **Section 7.** Chapter 10, Article VII, Division 4, Section 10-7.415 of the Code of Laws of  
7 Leon County, Florida, is hereby amended to read as follows:

8 **Sec. 10-7.415. Board of County Commissioners Review.**

9 (A) The provisions of this section apply to hearings before the Board of County  
10 Commissioners to review the recommended order of a special master ~~hearing officer~~ following a  
11 quasi-judicial hearing on a site and development plan application, pursuant to section 10-7.414  
12 of this Code.

13 (B) After the receipt of a Notice of Intent to file an appeal of a decision on a site and  
14 development plan application ~~petition for hearing before a special master regarding a site and~~  
15 ~~development plan application~~, no person may communicate with any commissioner regarding the  
16 case except on the record at the hearing held pursuant to this section.

17 (C) All hearings shall be open to the public and shall be advertised in a newspaper of  
18 general circulation not less than 14 calendar days prior to the date of the hearing. Public  
19 comment on the recommended order shall be taken prior to the argument by the parties pursuant  
20 to subsection (G). Public comment shall be limited to three minutes per person.

21 (D) ~~All hearings will be scheduled within 30 days-~~ The hearing by the Board of  
22 County Commissioners will commence no later than 30 calendar days from the date of receipt of  
23 the recommended order and record of the decision being reviewed.

1 (E) The record before the Board of County Commissioners shall consist of the  
2 complete record of the proceedings before the special master or hearing officer. The hearing  
3 before the Board shall be limited to matters of record, and arguments based on the record. No  
4 new evidence shall be presented to the Board at the hearing.

5 (F) The participants before the Board of County Commissioners shall be the parties  
6 who participated at the hearing before the special master or hearing officer, and members of the  
7 public wishing to provide comment.

8 (G) All parties, as that term is defined in section 10-7.414 ~~10-7.703~~ of this Code, who  
9 participated at the hearing before the special master or hearing officer, shall be limited to a total  
10 of 20 minutes to present his or her argument, as shall the county staff. For good cause shown the  
11 chairman may grant additional time.

12 (H) At the conclusion of the hearing, the Board of County Commissioners shall render  
13 a decision approving, approving with conditions, or denying the application for site and  
14 development plan. The board is bound by the special master's findings of fact unless the findings  
15 of fact are not supported by competent substantial evidence in the record before the special  
16 master. The board may modify the conclusions of law if it finds that the special master's  
17 application or interpretation of law is erroneous. The board may make reasonable legal  
18 interpretations of its Comprehensive Plan and land development regulations without regard to  
19 whether the special master's interpretation is labeled as a finding of fact or a conclusion of law.  
20 The board's final decision must be reduced to writing, including the findings of fact and  
21 conclusions of law, and is not considered rendered or final until officially date-stamped by the  
22 ~~county clerk~~ Clerk of the Board of County Commissioners.

1 (I) Judicial review. The sole method by which an aggrieved or adversely affected  
2 party may challenge the decision of the board is by an appeal filed by a petition for writ of  
3 certiorari filed in circuit court no later than 30 calendar days following rendition of the board's  
4 decision.

5 **Section 8.** **Conflicts.** All ordinances or parts of ordinances in conflict with the  
6 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the  
7 extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended,  
8 which provisions shall prevail over any part of this ordinance which is inconsistent, either in  
9 whole or in part, with the said Comprehensive Plan.

10 **Section 9.** **Severability.** If any word, phrase, clause, section or portion of this  
11 ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such  
12 portion or words shall be deemed a separate and independent provision and such holding shall  
13 not affect the validity of the remaining portions thereof.

14 **Section 10.** **Effective Date.** This ordinance shall have effect upon becoming law.

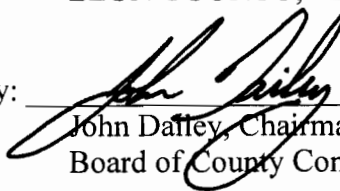
15 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon  
16 County, Florida, this 11<sup>th</sup> day of October, 2011.

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LEON COUNTY, FLORIDA

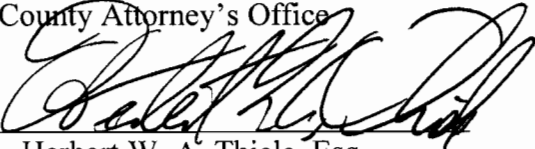
By:   
John Dalley, Chairman  
Board of County Commissioners

21 ATTEST:  
22 Bob Inzer, Clerk of the Court  
23 Leon County, Florida

24 By: 

1 APPROVED AS TO FORM:

2 Leon County Attorney's Office

3 By: 

4 Herbert W. A. Thiele, Esq.

5 County Attorney

## FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: ( <u>LEON</u> )	COUNTY ORDINANCE # ( <u>11-23</u> ) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: ( <u>BUILDING/DEVELOPMENT REGULATIONS</u> )	
SECONDARY KEYFIELD DESCRIPTOR: ( <u>APPEALS (CODES/REGULATIONS)</u> )	
OTHER KEYFIELD DESCRIPTOR: ( _____ )	
ORDINANCE DESCRIPTION: ( <u>DEVELOPMENT REVIEW SYSTEM</u> ) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: ( <u>10-7.403</u> )	AMENDMENT # 2: ( <u>10-7.404</u> )
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: ( _____ )	REPEAL # 3: ( _____ )
REPEAL # 2: ( _____ )	REPEAL # 4: ( _____ )
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ( _____ )
KEYFIELD 1 CODE: ( _____ )	KEYFIELD 2 CODE: ( _____ )
KEYFIELD 3 CODE: ( _____ )	Rev. 4/10/01