

1 (d) *County administrator review.* Public notice of the review of the application shall be
2 provided to the applicant and other parties identified pursuant to subsection (e) below. The
3 county administrator or designee shall review the application for compliance with the criteria set
4 out subsection 10-7.402 5., above; and, if necessary, receive input from any appropriate
5 agencies. The county administrator or designee shall render ~~final~~ a written preliminary decision
6 approving, approving with conditions, or denying ~~regarding the application, and shall notify the~~
7 ~~applicant of the decision~~ within ten working days from the date that the application is determined
8 complete, pursuant to subsection (c) above; or, if applicable, within 10 working days of date of
9 the issuance of the determination of the DRC, pursuant to subsection (c), above. ~~of receipt of a~~
10 ~~complete application, after providing notice to the applicant and other parties identified in~~
11 ~~subsection (e) below.~~

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

22 (e) *Public notice.* Public notice of the Type A application shall be given within seven
23 calendar days of receipt of application, in a newspaper of regular and general circulation in the
24 county. In addition, public notice shall be mailed at least five calendar days in advance of the

1 public meeting to the current address (based upon the most current tax rolls in the office of the
2 Leon County Property Appraiser) of each property owner within 600 feet of the project and to
3 registered neighborhood and business associations. The public notice shall advise such persons
4 of the application, and specify that input and comments regarding the application should be sent
5 to the department of growth and environmental management. The public notice shall advise that
6 the application will be reviewed by staff at a public technical review staff meeting and provide
7 the date, time, and place of that meeting. The public notice shall advise that no public testimony
8 will be taken at the technical review staff meeting and that the application will be subject to
9 administrative review and not subject to quasi-judicial provisions. The notice must also include a
10 statement that, in order to qualify as an aggrieved or adversely affected person for purpose of
11 challenging the county's determination with regard to approval or denial of the application, one
12 must submit written comments regarding the application to the department of growth and
13 environmental management in response to the public notice no less than seven calendar days
14 from the date of newspaper publication. Required notices may be provided in combination with
15 other notices.

16 (f) ~~Formal proceedings.~~ Appeals. The decision of the county administrator or
17 designee shall become final 15 calendar days after it is rendered unless an applicant or a person
18 who qualifies as a party, as defined in Section 10-7.703 Division 7 of this article, who has filed
19 comments in response to subsection (e), above, files a Notice of Intent to file an administrative
20 appeal to be heard by a special master. and has filed a notice of administrative appeal to be heard
21 by a special master Subsequent to the filing of a Notice of Intent, a Petition must be filed within
22 30 calendar days from the date of rendition of the DRC's decision. Petitions shall be made in
23 writing and directed to the Clerk of the DRC, and shall include the project name, application
24 number, a description of the facts upon which the decision is challenged, all allegations of

1 inconsistency with the Comprehensive Plan and land development regulations, and any argument
2 in support thereof. Failure to file either a Notice of Intent or a Petition is jurisdictional and will
3 result in a waiver of the hearing. Appeals heard by a special master will be conducted in
4 accordance with the procedures outlined in section 10-7.414 and 10-7.415. Appeals of the
5 ~~special master's decision shall be by petition for writ of certiorari filed in circuit court no later~~
6 ~~than 30 days following rendition of a written decision on the application, or when all~~
7 ~~administrative appeals, if any, are exhausted, whichever occurs later.~~

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.* Public notice of the Type B application shall be given within seven
13 calendar days of receipt of application, in a newspaper of regular and general circulation in the
14 County and mailed to each property owner, based upon the most current tax rolls in the Office of
15 the Leon County Property Appraiser, owning property within 800 feet of the project and to
16 registered home owners associations and business associations within 800 feet of the project.

17 Public notice of the DRC meeting shall be given at least five calendar days in advance of the
18 meeting by publication in a newspaper of regular and general circulation in the county. In
19 addition, written notice shall be mailed at least five calendar days in advance of the DRC
20 meeting to the current address (based upon the most current tax rolls in the office of the Leon
21 County Property Appraiser) of each property owner within 800 feet of the project and to
22 registered neighborhood and business associations. ~~The public n~~ Notices shall advise such
23 persons of the application, and specify that no testimony may be heard by the DRC at their
24 meeting since it is an administrative review and not subject to quasi-judicial provisions. ~~The n~~

1 Notices must state that an aggrieved or adversely affected person has the right to request a quasi-
2 judicial hearing, and must also include a statement that, in order to qualify as an aggrieved or
3 adversely affected person, one must submit written comments regarding the application to the
4 DRC in response to the public notice of the DRC meeting on the application. Required notices
5 may be provided in combination with other notices.

6 (e) *DRC meetings.* No testimony shall be received from any applicant or member of
7 the public during the course of the DRC meeting, although written comments may be provided to
8 the DRC and the meetings shall be open to public attendance. Each member of the DRC is
9 responsible for providing proposed written findings which identify whether a development meets
10 the applicable criteria and standards of this chapter and those imposed by other applicable
11 ordinances, regulations and/or adopted standards of the county. The proposed written findings
12 shall be transmitted to other members of the DRC, the applicant, and made available for public
13 inspection at least one working day prior to consideration by the DRC. The proposed written
14 findings shall be the basis for a recommendation by each DRC member to the DRC as a whole to
15 issue a written preliminary decision to approve, approve with conditions, or deny the application.
16 Absent a written preliminary decision, the DRC may continue consideration of an application to
17 a date and time certain.

18 (f) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall
19 prepare and submit to the county administrator or designee a written preliminary decision
20 including an itemized list of findings of fact which support the preliminary decision of approval,
21 approval with conditions, or denial of the application; or shall request additional material and
22 data determined to be necessary to undertake the required review and continue its review to a
23 date and time certain. The county administrator or designee shall notify the applicant of the
24 written preliminary decision of the DRC within five working days of the decision by the DRC.

1 ~~(g)~~—The written preliminary decision of the DRC shall include a statement that an
2 aggrieved or adversely affected person may request a quasi-judicial hearing pursuant to
3 paragraph (h) herein.

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

13 (h) *Appeals.* The written preliminary decision of the DRC shall become the DRC's
14 final decision 15 calendar days after it is rendered unless a person who qualifies as a party, as
15 defined in Section 10-7.703 ~~article VII of chapter 10 at division 7 of this Code,~~ and who has filed
16 comments in response to subsection (d), above, ~~and has filed~~ files a Notice of Intent to file an
17 administrative appeal to be heard by a special master. Subsequent to the filing of a Notice of
18 Intent, a Petition must be filed within 30 calendar days from the date of rendition of the DRC's
19 decision. Petitions shall be made in writing and directed to the Clerk of the DRC, and shall
20 include the project name, application number, a description of the facts upon which the decision
21 is challenged, and all allegations of inconsistency with the Comprehensive Plan and land
22 development regulations, and any argument in support thereof. ~~a notice of administrative appeal~~
23 to be heard by a special master—Failure to file either a Notice of Intent or a Petition is

1 jurisdictional and will result in a waiver of the hearing. Hearings before a special master will be
2 conducted in accordance with the procedures outlined in section 10-7.414 and 10-7.415.

3 ~~(i) Subsequent to the action of the DRC to approve a Type B site and development plan~~
4 ~~subject to conditions becoming final, the applicant shall furnish for review and verification by~~
5 ~~the DRC or their designee, a revised site and development plan application, demonstrating~~
6 ~~compliance with all conditions. The revised site and development plan shall be submitted to the~~
7 ~~DRC or their designee within 90 days of the date of approval entity's action; however, the~~
8 ~~applicant may, upon demonstration of good faith effort and hardship that is not self-created, be~~
9 ~~granted a 90 day extension by the DRC or designee. Subsequent 90 day extensions may be~~
10 ~~requested and granted, based on the same criteria. Failure to comply with these time limits shall~~
11 ~~render the site and development plan application approval expired.~~

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

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

15 * * *

16 (d) *Public notice.* Notice of the Type C application shall be given within seven calendar
17 days of receipt of application, in a newspaper of regular and general circulation in the County
18 notice of the application must be mailed to each property owner, based upon the most current tax
19 rolls in the Office of the Leon County Property Appraiser, owning property within 1000 feet of
20 the project and to registered home owners associations and business associations within 1000
21 feet of the project. ~~Notice of the application shall be as set forth in section 10-7.402. 6.(d).~~
22 Public notice of the DRC meeting shall be given at least five calendar days in advance of the
23 meeting by publication in a newspaper of regular and general circulation in the county. In
24 addition, written notice shall be mailed at least five calendar days in advance of the DRC

1 meeting to the current address (based upon the most current tax rolls in the office of the Leon
2 County Property Appraiser) of each property owner within 1,000 feet of the project and to
3 registered neighborhood and business associations. ~~The public notice of the DRC meeting~~
4 Notices shall advise such persons of the substance of the application, and specify that no
5 testimony may be heard by the DRC at their meeting since it is an administrative review and not
6 subject to quasi-judicial provisions. The notice must also include a statement that an aggrieved or
7 adversely affected person has the right to request a quasi-judicial hearing, and that, in order to
8 qualify as an aggrieved or adversely affected person for purposes of challenging the proposed
9 order of the DRC, one must submit written comments regarding the application to the DRC in
10 response to the public notice. Required notices may be provided in combination with other
11 notices.

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

23 (f) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall
24 prepare ~~an~~ a recommended order including an itemized list of findings of fact which support a

1 recommendation of approval, approval with conditions, or denial of the application; or shall
2 request additional material and data determined to be necessary to undertake the required review
3 and continue its review to a date and time certain. The DRC shall ~~issue a written~~
4 ~~recommendation~~ provide the recommended order to the applicant and the Board of County
5 Commissioners ~~to approve, approve with conditions, or deny the application.~~ The ~~application~~
6 Board of County Commissioner's review of the recommended order shall be advertised and
7 scheduled ~~to be heard~~ at the next available date for public hearings before the Board of County
8 Commissioners. ~~However, the public hearing on the application shall be continued if the~~
9 ~~applicant, or any other person qualifying as a party as defined in article VII of chapter 10 at~~
10 ~~division 7 of this Code who has filed comments in response to subsection (d) above, requests a~~
11 ~~quasi-judicial hearing on the recommendations of the DRC within 15 days of issuance of the~~
12 ~~DRC recommendations. Requests shall be made in writing and directed to the office of the~~
13 ~~county attorney, and shall include the project name, application number, and a description of the~~
14 ~~facts upon which the recommendation is challenged and any argument in support thereof. Failure~~
15 ~~to timely file a request will result in waiver of a quasi-judicial hearing on the application.~~
16 ~~Hearings shall be conducted in accordance with the procedures outlined in sections 10-7.414 and~~
17 ~~10-7.416.~~

18 (g) Appeals of a DRC recommended order on a Type C development application.. If
19 a Notice of Intent to file an administrative appeal of the DRC's recommended order is filed
20 within 15 days of the rendition of the recommended order, the County Commission review of the
21 DRC recommended order shall be placed in abeyance pending review and receipt of a
22 recommended order from a special master. Subsequent to the filing of a Notice of Intent, a
23 Petition must be filed within 30 calendar days from the date of issuance of the DRC
24 recommended order. Petitions shall be made in writing and directed to the Clerk of the DRC, and

1 shall include the project name, application number, a description of the facts upon which the
2 recommendation is challenged, and all allegations of inconsistency with the Comprehensive Plan
3 and land development regulations, and any argument in support thereof. Failure to timely file a
4 Notice of Intent or a Petition will result in waiver of a hearing before a special master on the
5 application. Hearings shall be conducted in accordance with the procedures outlined in sections
6 10-7.414 and 10-7.415. A Notice of Intent and Petition may be filed by the applicant, or a
7 person qualified as a party as defined in Section 10-7.703 who had filed comments in response to
8 subsection (d) above.

9 ~~(g)~~(h) *Board of county commissioners review and decision:* The Board of County
10 Commissioners shall review the application at a public hearing noticed in accordance with
11 applicable provisions of the Florida Statutes. The Board of County Commissioners will review
12 the application for compliance with the criteria set out subsection 10-7.402. 5., above, and render
13 final decision regarding the application.

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

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

3 **Sec. 10-7.414. Procedures for hearings before a special master ~~Special master proceedings.~~**

4 (A) *Appointment of a special master.* From time to time the Board of County
5 Commissioners shall appoint and retain special masters or shall contract with the Florida
6 Division of Administrative Hearings for administrative law judges to conduct quasi-judicial
7 proceedings regarding site and development plan applications. Each special master shall be a
8 licensed attorney with the Florida Bar who has practiced law in Florida for at least five years,
9 and who has experience in land use law, real estate law, local governmental law, or
10 administrative law. None of the special masters or the law firms with which they may be
11 associated shall be representing clients before any agency of the county government or any
12 agency of any municipality in the county during the period in which they serve as special
13 master.

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

17 (C) *Ex parte communication.*

18 (i) No county employee, elected official, or other person who is or may become a
19 party to a proceeding before a special master shall engage in an ex parte communication with the
20 special master. However, the foregoing does not prohibit discussions between the special master
21 and county staff that pertain solely to scheduling and other administrative matters unrelated to
22 the merits of the hearing.

23 (ii) If a person engages in an ex parte communication with the special master, the
24 special master shall place on the record of the pending case all ex parte written communications

1 received, all written responses to such communications, a memorandum stating the substance of
2 all oral communications received, and all oral responses made, and shall advise all parties that
3 such matters have been placed on the record. Any party desiring to rebut the ex parte
4 communication shall be entitled to do so, but only if such party requests the opportunity for
5 rebuttal within ten days after notice of such communication. If he or she deems it necessary due
6 to the effect of an ex parte communication received by him, the special master may withdraw
7 from the case.

8 (iii) After the receipt of a petition for quasi-judicial hearing before a special master, no
9 party to the hearing may engage in any ex parte communication with a member of the Board of
10 County Commissioners regarding the pending application for site and development plan or the
11 issues in the pending hearing.

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

19 (E) *Timeliness of requests for quasi-judicial hearings and standing determinations.*
20 All determinations on the timeliness of petitions and all determinations of standing will be made
21 by the county attorney.

22 (F) *Powers of special masters.* The special masters who conduct quasi-judicial
23 proceedings pursuant to this section shall have the powers of special masters enumerated in F.S.
24 § 120.569(2)(f), as well as the power to compel entry upon the land.

1 (G) Mediation. Parties are encouraged to agree to formal mediation when an appeal is
2 filed pursuant to this article. If agreed upon, mediation shall be commenced within 30 days and
3 completed within 45 days of the filing of the appeal, unless extended by stipulation of the parties
4 to the appeal. Such mediation shall be conducted in accordance with the Florida Rules of Civil
5 Procedures regarding mediation, and the county appellate procedures shall be concurrent with
6 mediation.

7 ~~(G)~~ (H) *Prehearing requirements.* At least seven days prior to the date set for the
8 hearing, the parties shall exchange a list of names and addresses of witnesses planned to testify at
9 the hearing, and a list of exhibits planned to be introduced at the hearing, as well as produce the
10 physical exhibits for inspection by the parties. Each party is entitled to depose witnesses
11 scheduled to testify at the final hearing.

12 ~~(H)~~(I) *Hearings.*

13 (i) All hearings shall be commenced within 45 days of the date the written
14 preliminary decision on the site and development plan application was rendered. Requests for
15 continuance by any party, either before or during the hearing, may be considered upon good
16 cause shown.

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

19 (iii) The participants before the special master shall be the applicant, the applicant's
20 witnesses, if any, county staff, and other parties as the term "party" is defined in section 10-7.701
21 of this Code, if any, and witnesses of the parties, if any. Any party who is not the applicant or
22 county staff who participates at the hearing shall leave his or her mailing address with the special
23 master.

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

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

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

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

10 c. The county, and his or her witnesses, if any, including county staff.

11 d. Comments by the public, if any.

12 (vi) To the maximum extent practicable, the hearings shall be informal. All parties
13 shall have the opportunity to respond, to present evidence and argument on all issues involved
14 which are related to the development order, and to conduct cross-examination and submit
15 rebuttal evidence. During cross examination of witnesses, questioning shall be confined as
16 closely as possible to the scope of direct testimony. The special master may call and question
17 witnesses or request additional evidence as he or she deems necessary and appropriate. To that
18 end, if during the hearing the special master believes that any facts, claims, or allegations
19 necessitate review and response by the applicant, staff, or both, then the special master may order
20 the hearing continued until a date certain. The special master shall decide all questions of
21 procedure and standing.

22 (vii) The standard of review applied by the special master in determining whether a
23 proposed development order is consistent with the Comprehensive Plan shall be strict scrutiny in
24 accordance with Florida law.

1 (viii) The special master shall render a recommended order on the application to the
2 Board of County Commissioners within ten days after the hearing concludes, unless the parties
3 waive the time requirement. The recommended order shall contain written findings of fact,
4 conclusions of law, and a recommendation to approve, approve with conditions, or deny the
5 application. A copy of the recommended order shall be mailed to the party who requested the
6 hearing, the applicant and any other interested member of the public who participated at the
7 hearing.

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

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

12 **~~Sec. 10-7.415 Mediation.~~**

13 ~~Notwithstanding the procedures in this article, parties may agree to formal mediation at~~
14 ~~any stage of the review process; however, when an appeal is filed pursuant to this article, the~~
15 ~~issue(s) appealed shall be referred to mediation, which shall be a precondition to the processing~~
16 ~~of any such appeal, and which shall be commenced within 30 days and completed within 45 days~~
17 ~~of the first mediation conference, unless extended by stipulation of the parties to the appeal. Such~~
18 ~~mediation shall be conducted in accordance with the Florida Rules of Civil Procedures regarding~~
19 ~~mediation, and the county appellate procedures shall be concurrent with mediation. This~~
20 ~~provision does not apply to matters coming before the planning commission, which shall be~~
21 ~~governed by its bylaws.~~

22 **Section 7.** Chapter 10, Article VII, Division 4, Section 10-7.416 of the Code of Laws of
23 Leon County, Florida, is hereby amended to read as follows:

1 ~~Sec. 10-7.416 Hearings before the Board of County Commissioners.~~

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

3 (A) The provisions of this section apply to hearings before the Board of County
4 Commissioners to review the recommended order of a hearing officer following a quasi-judicial
5 hearing on a site and development plan application, pursuant to section 10-7.414 ~~10-7.405~~ of this
6 Code.

7 (B) After the receipt of a petition for hearing before a special master regarding a site
8 and development plan application, no person may communicate with any commissioner
9 regarding the case.

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

14 (D) All hearings will be scheduled within 30 days of receipt of the recommended
15 order and record of the decision being reviewed.

16 (E) The record before the Board of County Commissioners shall consist of the
17 complete record of the proceedings before the special master or hearing officer.

18 (F) The participants before the Board of County Commissioners shall be the parties
19 who participated at the hearing before the special master or hearing officer.

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

1 (H) At the conclusion of the hearing, the Board of County Commissioners shall render
2 a decision approving, approving with conditions, or denying the application for site and
3 development plan. The board is bound by the special master's findings of fact unless the findings
4 of fact are not supported by competent substantial evidence. The board may modify the
5 conclusions of law if it finds that the special master's application or interpretation of law is
6 erroneous. The board may make reasonable legal interpretations of its Comprehensive Plan and
7 land development regulations without regard to whether the special master's interpretation is
8 labeled as a finding of fact or a conclusion of law. The board's final decision must be reduced to
9 writing, including the findings of fact and conclusions of law, and is not considered rendered or
10 final until officially date-stamped by the county clerk.

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

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

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

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

2 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon
3 County, Florida, this 18th day of January, 2011.

4

5

LEON COUNTY, FLORIDA

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By: *John Dailey*
John Dailey, Chairman
Board of County Commissioners

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

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By: *John Stott, Deputy Clerk*

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19

APPROVED AS TO FORM:
Leon County Attorney's Office

20

21

22

By: *Herbert W. A. Thiele*
Herbert W. A. Thiele, Esq.
County Attorney

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