



## Resident's Overview to a Quasi-Judicial Process

The purpose of this Quasi-Judicial Process Overview is to inform residents on how to participate in the quasi-judicial processes within the City of Plantation. It is intended as a tool to provide residents who wish to participate in Quasi-Judicial proceedings before city boards with a basic understanding of how city boards function, the rules relative to how they make decisions and how to effectively participate in these proceedings to either oppose or support quasi-judicial applications before the City Council and City boards.

### What does Quasi-Judicial mean?

The Florida Constitution provides for venues outside the traditional courthouse to resolve issues between a citizen and their government. Typically, these venues may amount to city councils and city boards. These boards observe basic due process requirements, but are not courts of law themselves, hence they are quasi-judicial.

As an example, a quasi-judicial proceeding is a hearing held by a City Board when a property owner makes an application to the City for a rezoning, site plan approval, a special exception, conditional use, waiver, or variance. There are rules and standards set forth in the City ordinances regarding the criteria that has to be met in order to get approval for a rezoning, site plan approval, a special exception, conditional use, waiver or variance. Once the facts of the case are applied to the standards set forth in the ordinance(s), a decision is then made.

In a quasi-judicial proceeding, the City Council and the City boards are not allowed to take into consideration the popularity of a particular development proposal or request for variance or special exception; they can only consider the competent and substantial evidence before the board or the City Council. Evidence can take on the form of testimony or documents, and must be relevant, useful information. The Board or City Council then uses this information to reach a sound decision.

### Testimony by lay persons and experts

Citizens who want to participate in a quasi-judicial process cannot testify as to matters which would require expert testimony, but they can testify, under oath, as to factual matters and any element of the case that would not require specialized training or specific academic degrees.

The City Council or the board considering a quasi-judicial matter must make its decision based on the testimony, under oath, before it. Other than common knowledge, they cannot consider anything that they encounter outside of the public hearing on the application.

If special training or specialized knowledge is required, it is necessary for the person testifying to prove that person's competency to testify as an expert on a particular subject. Examples of this would be (1) traffic impacts or traffic counts would be testified to by a traffic engineer; (2) whether a desired use may impact the land values of surrounding property could be testified to by a certified property appraiser; (3) whether the building of a wall or other barrier will destroy a wetland could be testified to by an environmentalist or engineer.

Remember all testimony must be relevant, credible, and oriented toward the standards set forth in the ordinance.

## **Should I get a lawyer?**

It is possible for citizen groups or persons appearing in a quasi-judicial proceeding to prepare and present a good case without an attorney. However, all individuals or groups may employ an attorney to assist them in the preparation and presentation of the case.

## **Contacting City Council or City Boards**

Contacting the City Councilmembers or City Board members about a quasi-judicial matter that will come before them should be avoided. However, please note that any communications which are made to any Board or Councilmember with regards to any quasi-judicial matter by any person who has a direct or indirect interest in the proceeding, or by any authorized representative or counsel, will be reported and become part of the record of the proceedings. The report of the incident will include the identification of the person(s) involved in any communication and a description of the substance of the communication and any response.

## **Final Thoughts**

If you would like to participate in a quasi-judicial hearing, need further information about the quasi-judicial process, relevant City ordinances, and the contents of applications, contact the City of Plantation Planning, Zoning & Economic Development Department (PZED) at 954-797-2225 or <https://www.plantation.org/government/departments/planning-zoning-economic-development>. Quasi-Judicial Hearing applications and back-up materials are also available online at the City's Agenda and Meeting Minutes page.

***This guide is not intended to be legal advice. To determine your legal rights and to understand more fully how to participate in a quasi-judicial proceeding, you should contact legal counsel.***