



*City of*  
**Lake Worth**  
**Beach**  
**FLORIDA**

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# QUASI-JUDICIAL DECISIONS IN THE CITY OF LAKE WORTH BEACH



## **When Request Includes Application of Regulations to a Specific Property the Procedure is Quasi-Judicial.**

### **Examples of quasi-judicial matters before the Commission include applications for:**

- Rezoning
- Planned Development
- Historic Ad Valorem Tax Exemption
- Historic Landmark designation
- Annexation
- Proximity Waiver for alcohol package sales



# Basic Requirements of Quasi-Judicial Procedures:

- Due process (notice and opportunity to be heard)
- Decision based on competent and substantial evidence on the record
- Beware of Ex-parte communications.



# COMPETENT SUBSTANTIAL EVIDENCE

- Competent substantial evidence is evidence that has a substantial basis in fact from which the fact at issue can be reasonably inferred
- Staff analysis constitutes competent substantial evidence to support a zoning decision

*Tejera v. Town of Miami Lakes*, 2022 WL 18000075 (Fla. 11<sup>th</sup> DCA 2022), *See, Village of Palmetto Bay v. Palmer Trinity Private Sch., Inc.*, 128 So. 3d 19, 26-27 (Fla. 3d DCA 2012)

- When competent substantial evidence has been presented that compliance has been met, denial must accomplish a legitimate public purpose and not be arbitrary, discriminatory, or unreasonable



## Sec. 286.0115, Fla. Stat.

- Ex Parte Communications in Quasi-Judicial Proceedings
- Discussion with, written communications to, and investigation and site visits by a local public official on the merits of any matter on which action may be taken by a board or commission on which the official is a member
  - Includes conversations with staff
- Presumed to be prejudicial



## Sec. 23.2-16, LDRs

- All Commission members must disclose if they have or reasonably believe to have:
  - A demonstrated bias or prejudice for or against any party in the hearing;
  - A direct or indirect monetary interest in the outcome of the hearing including any campaign contributions;
  - A prejudgment of the issues prior to hearing the facts on the record; OR
  - Any *ex parte* communications or personal investigations, including conversations with City staff?”
- If the answer to any of these is yes, the Commission member must also state whether based on their response, they are still able to serve as an impartial hearing officer and make a decision based upon the facts on the record.



# Thank you

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