

**LEVY COUNTY PLANNING COMMISSION  
RULES OF PROCEDURE**

**WHEREAS**, Sections 50-51 through 50-55 of the Levy County Code establish the Levy County Planning Commission (the “Planning Commission”) and empower the Planning Commission to serve as the County’s “local planning agency” as required by Section 163.3174, Florida Statutes; and

**WHEREAS**, the Planning Commission desires to adopt rules for the orderly conduct of its meetings, agenda management, public participation and quasi-judicial proceedings, including ex-parte communication.

**NOW, THEREFORE**, the Planning Commission adopts the following rules of procedure:

**Rule 1. MEETINGS; ORDER OF BUSINESS.**

Each regularly scheduled meeting of the Planning Commission (a “**Regular Meeting**”) will be held at the date, time and location set forth in the schedule adopted by the Planning Commission for each calendar year and the order of business will be as follows:

Order	Description/Instructions
<b>Roll Call</b>	By the Clerk to the Planning Commission
<b>Adoption of the Agenda</b>	The Planning Commission may amend the agenda at this time, including setting time certain items; re-ordering, removing or continuing items
<b>Approval of Minutes</b>	The minutes of prior Planning Commission meeting(s) prepared by the Clerk
<b>Unfinished Business</b>	Any business that has been continued from or was not concluded at a prior meeting
<b>New Business or Informational Agenda Items</b>	May be submitted by a Member of the Planning Commission, the County Coordinator, a County Department Director or the County Attorney
<b>Adjourn</b>	

A **Special Meeting** may be held for the limited purpose of discussing and/or transacting business concerning the matters described in the notice. Votes on the noticed matters may be taken at a Special Meeting.

1 A **Workshop** may be held for informational items and informal discussions. No votes on  
2 business may be taken; however, procedural or administrative votes (such as scheduling  
3 the matter for a future meeting, directing staff to take further action, or adjourning the  
4 meeting) may be taken.

5  
6 A Special Meeting or Workshop may be called: (1) by vote of the Planning Commission  
7 at any Regular Meeting; or (2) by written request of the Chair or the Planning and Zoning  
8 Director. The written request must state the date, time and location of the meeting or  
9 workshop and a description of the matter(s) to be discussed. Upon receipt of the written  
10 request, the Clerk to the Planning Commission will contact each Member to determine if  
11 a quorum is available for the requested meeting or workshop. If the Clerk confirms a  
12 quorum is available, the Clerk will notify each Member of the date, time, location and  
13 subject matter(s) to be discussed at the meeting or workshop.

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15 **Rule 2. PUBLIC NOTICE OF MEETINGS AND WORKSHOPS**

16  
17 The Planning and Zoning Director, or designee, will post notice of all Planning  
18 Commission Meetings and Workshops on the calendar on the County's website  
19 ([www.levycounty.org](http://www.levycounty.org)) and on the bulletin board outside the County Commission Office in  
20 the Levy County Government Center located at 310 School Street, Bronson, Florida.

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22 **Rule 3. AGENDA PREPARATION; PUBLIC RELEASE OF THE AGENDA**

23  
24 An agenda for each Regular Meeting, Special Meeting or Workshop will be prepared by  
25 the Planning and Zoning Director, or designee. The final version of the agenda will be  
26 released to the public by 5pm on the Friday prior to each meeting or workshop. Once  
27 released to the public, the agenda will not be further modified until the adoption of the  
28 agenda on the day of the meeting or workshop.

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30 **Rule 4. ATTENDANCE; QUORUM; VOTING; RECESS, CONTINUANCE OR**  
31 **CANCELLATION OF A MEETING**

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33 Voting Members are expected to attend all scheduled Planning Commission meetings, or  
34 to notify the Planning and Zoning Director in advance of the meeting so that an Alternate  
35 Member can be requested to attend the meeting. Three (3) Members constitute a quorum  
36 for the transaction of business. If a quorum is lost during a meeting, the remaining  
37 Members may finish discussions (but take no action) and may adjourn the meeting.

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39 In accordance with Section 286.012, Florida Statutes, each Member who is present at a  
40 meeting shall vote on each matter, unless that Member has a conflict of interest under  
41 state ethics laws or, in the case of a quasi-judicial matter, is unable to be an impartial  
42 decision-maker. Members shall vote "yes" in support of a motion and "no" when voting  
43 not to support a motion. Silence by a Member will be recorded as a "yes" vote.

1 The Planning Commission may recess and reconvene or continue any meeting to a time  
2 certain as it may determine during any meeting. Any meeting may be cancelled for cause  
3 (including, but not limited to, emergency conditions, lack of agenda items, a quorum will  
4 not be present) by the Chair and the Planning and Zoning Director. The Planning and  
5 Zoning Office will provide notice of any cancellation to all Members and will post public  
6 notice as specified in Rule 2. Otherwise, upcoming meetings may be cancelled by vote  
7 of the Planning Commission at any Regular Meeting.

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9 **Rule 5. PRESIDING OFFICER; RULES OF DEBATE**

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11 The Chair shall be the presiding officer of the Board. Each year, at the Regular Meeting  
12 in June (or the next meeting if June is cancelled), the Planning Commission will elect one  
13 Member to serve as the Chair and one to serve as the Vice Chair who shall be the  
14 presiding officer in the absence of the Chair. In the absence of both the Chair and the  
15 Vice Chair, any Member may call the meeting to order and the quorum present will  
16 designate a presiding officer for that meeting.

17  
18 The presiding officer shall call the Planning Commission to order at the time noticed for  
19 the meeting and shall preserve order and decorum at all meetings. All discussion and  
20 comment during a meeting should be directed to the presiding officer. In the event the  
21 presiding officer leaves the meeting room, any Member designated by the presiding  
22 officer when leaving shall lead the meeting until the presiding officer returns.

23  
24 The presiding officer may move, second and debate, subject only to such limitations of  
25 debate as are enforced by these rules on all members. If the presiding officer desires to  
26 make a motion or second a motion, the presiding officer shall relinquish the gavel to any  
27 other Member who shall serve as the temporary presiding officer until the motion or  
28 second is finished.

29  
30 No motion may be debated or put to a vote unless seconded. No Member may reserve  
31 the priority to make a motion. All motions or amendments shall be reduced to writing, by  
32 the Clerk, upon request of a Member.

33  
34 Each Member desiring to speak shall address the presiding officer and, upon recognition  
35 by the presiding officer, shall confine their remarks to the question under debate and shall  
36 avoid personal attacks or inappropriate language. A Member who has the floor shall not  
37 be interrupted unless it is necessary for the presiding officer to call the Member to order.  
38 In which case, the Member must cease speaking until the question or order is determined  
39 by the presiding officer without debate and, if in order, the Member may proceed.

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41 **RULE 6. ORDER AND DECORUM; SERGEANT-AT-ARMS**

42  
43 **A. Conduct in Meetings.** Persons attending Planning Commission meetings are  
44 prohibited from engaging in disruptive conduct (defined in B below) and from possessing  
45 food, drink, props, signs, posters, or other similar materials in the meeting room.

1 **B. Disruptive Conduct.** “Disruptive conduct” in the meeting room or the County  
2 Government Center includes, but is not limited to:

- 3
- 4 1. Entering discussion without being recognized by the presiding officer, including
- 5 speaking from the audience;
- 6 2. Refusal to confine comment to the topic;
- 7 3. Refusal to conform to time limits on speaking;
- 8 4. Refusal to leave speaking podium;
- 9 5. Refusal to follow orders given by the presiding officer; or
- 10 6. Any conduct that violates rules of order and disrupts the meeting. This
- 11 includes, but is not limited to:
- 12
- 13 a. Violent or tumultuous conduct threatening the safety of another;
- 14 b. Conduct creating danger to property or any person;
- 15 c. Provoking or engaging in a fight;
- 16 d. Use of words that may threaten or outrage others;
- 17 e. Using obscene, profane, or vulgar language or language directed at
- 18 personalities; or
- 19 f. Outbursts of approval or disapproval, jeers or heckling which interrupt a
- 20 speaker or the deliberation of the Planning Commission.
- 21

22 **C. Enforcement of Order and Decorum.** It is the duty of the presiding officer to maintain  
23 order and decorum at each meeting and workshop. Any Member may request the  
24 presiding officer enforce order and decorum upon a motion and a majority vote of  
25 Members present. In the event of “disruptive conduct”:

- 26
- 27 1. The presiding officer will first warn the person(s) that their conduct is disrupting the
- 28 meeting and they must immediately stop the disruptive conduct or leave the
- 29 meeting.
- 30
- 31 2. If the disruptive conduct continues, the presiding officer will: (a) revoke the persons
- 32 right to speak at the meeting; or (b) revoke the persons right to attend the meeting
- 33 and direct the sergeant-at-arms to remove the person from the meeting. In
- 34 addition, the presiding officer may: recess the meeting, adjourn the meeting, or
- 35 take such other appropriate action as permitted by law.
- 36
- 37 3. Upon instructions of the presiding officer, the sergeant-at-arms (who may request
- 38 assistance from any law enforcement officer assigned to the meeting) shall escort
- 39 the person who engaged in the disruptive conduct from the Planning Commission
- 40 meeting room and/or the County Government Center or other location of a
- 41 meeting. The sergeant-at-arms will provide information explaining the law on
- 42 trespass and Section 871.01, Florida Statutes, regarding Disturbing Schools, and
- 43 Religious and Other Assemblies, and advising the person that there are alternate
- 44 means of presenting the person’s views to the Planning Commission. If the person
- 45 refuses or resists removal, the person may be placed under arrest.
- 46

1 **D. Sergeant-At-Arms.** The Planning and Zoning Director, or designee, shall serve as  
2 the sergeant-at-arms at all Planning Commission meetings and workshops. The  
3 sergeant-at-arms will carry out all orders and instructions given by the presiding officer  
4 for the purpose of maintaining order and decorum at the Planning Commission meeting.

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6 **Rule 7. PUBLIC COMMENT ON AGENDA ITEMS THAT ARE NOT QUASI-JUDICIAL**

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8 **A. How and When Public Comment is Taken.** It is recognized that Planning  
9 Commission Meetings are a limited public forum in which the Planning Commission must  
10 timely conduct its assigned duties set forth in Sec. 50-55 of the County Code.

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12 The Planning Commission will take public comment on all agenda items that are not  
13 quasi-judicial. Each speaker is limited to a maximum of 3 minutes per agenda item and  
14 must confine their comment to the agenda item being considered. As directed by the  
15 presiding officer, public comment may be taken once during an item, rather than upon  
16 every motion concerning that item. Time limits in this Rule are a guide and other time  
17 limits may be established by the presiding officer based on the number of participants  
18 and/or to provide equal time for opponents and proponents speaking to any particular  
19 issue.

20  
21 **B. Procedures for Public Comment.** Each person who speaks must:

- 22  
23 1. state their name and address in an audible tone of voice;  
24 2. limit their comments to the agenda item and the time provided;  
25 3. address their comments to the presiding officer and not to any other member of the  
26 Planning Commission, County staff, or other member of the public;  
27 4. follow directions given by the presiding officer; and  
28 5. provide a copy of any documents they present to the Clerk. These copies will not be  
29 returned to the speaker.

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31 **RULE 8. QUASI-JUDICIAL MATTERS**

32  
33 **A. Parties and “Affected Party” status.** In a quasi-judicial hearing, the parties (or,  
34 individually, a “party”) are the applicant, the County and each “affected party.” A person  
35 who believes they have a special interest in the matter or would suffer an injury distinct  
36 in kind and degree from that shared by the public at large, may request to be recognized  
37 as an “affected party.”

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39 Each request to be recognized as an “affected party” must be submitted on the  
40 application form (provided by the County) to the County Attorney before the close of  
41 business at least ten (10) calendar days prior to the Planning Commission meeting when  
42 the matter is noticed to be heard. At the hearing, the Planning Commission will make a  
43 determination of affected party status by considering the facts articulated in the  
44 application. If the Planning Commission determines that the person is not an affected  
45 party, that person may participate during public comment on the item.

1 **B. Informal hearing.** Quasi-judicial hearings before the Planning Commission will be  
 2 conducted as informal hearings without the formalities of swearing-in, cross-examination,  
 3 rebuttal or closing.

4  
 5 **C. Order of Presentation for Quasi-Judicial Hearings; Time Limits.** The following is  
 6 the order of presentation for each quasi-judicial hearing. The time limits listed may be  
 7 modified to avoid unnecessary repetition by the presiding officer, by the Planning  
 8 Commission on motion of a Member or upon request of a Party. In considering such  
 9 request, the Planning Commission should be mindful of providing due process but without  
 10 undue repetition and delay. Repetitious comment or information may be limited or  
 11 stopped by the presiding officer and the sharing, transferring or yielding of speaking time  
 12 to another person is not allowed.

Order	Maximum Time Limit
Determination of affected party status, if any timely applications were received (refer to A above)	Not applicable
Disclosure of ex-parte communication (Refer to E below)	Not applicable
Introduction of the matter by County staff	3 minutes
Applicant presentation (the Applicant bears the burden of proof that their application has met all requirements)	10 minutes
County Staff presentation (Staff will advise the Planning Commission of the requirements, provide professional analysis and recommendation(s))	10 minutes
Affected Party presentations (if any)	10 minutes per party
Public comment (the Planning Commission shall assign such weight and credibility to non-party comment as it deems appropriate)	3 minutes per person per agenda item
Deliberation and vote of the Planning Commission (The Planning Commission shall deliberate and vote on a motion to approve, deny or continue the matter. The Planning Commission must base its decision on the competent, substantial evidence presented at the hearing and in the record.)	Not applicable

14  
 15 **D. Evidence.** The Planning Commission must base its decision on the competent,  
 16 substantial evidence presented at the hearing. Evidence before the Planning Commission  
 17 includes, but is not be limited to, verbal testimony and written evidence that addresses  
 18 whether the application is consistent with and meets the requirements of the County's  
 19 adopted Comprehensive Plan, Code, rules, policies or plans and other applicable laws.  
 20 It is up to the Planning Commission to weigh the evidence presented and to determine  
 21 whether such evidence is competent and substantial.

1 **E. Ex Parte Communications.** In accordance with Section 286.0115, Florida  
2 Statutes, the Planning Commission adopts this process to disclose ex-parte  
3 communications (e.g., site visits, expert opinions, and other verbal or written  
4 communication outside of the quasi-judicial hearing) in order to remove the presumption  
5 of prejudice and to allow parties who have opinions contrary to those expressed in the  
6 ex-parte communication a reasonable opportunity to refute or respond to the ex-parte  
7 communication. Any Party may question, through the presiding officer, a Member about  
8 any ex parte communications. Before or during the hearing at which a vote is taken on  
9 the quasi-judicial matter, each Member who received or engaged in ex-parte  
10 communications must:

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12 1. As to verbal communications, disclose the subject of the communication and  
13 the identity of the person, group, or entity with whom the communication took place.  
14

15 2. As to written communications, enter copies of all written communications into  
16 the record.  
17

18 3. As to site visits and consultation with experts, disclose any investigations or site  
19 visits made by the Member and the receipt of any expert opinions regarding the quasi-  
20 judicial matter. If such are reduced to writing, then a copy of the written communications  
21 must be entered into the record.  
22

23 4. Confirm ability to be an impartial decision-maker, or if unable to be impartial, the  
24 Member must abstain from discussion and voting in the quasi-judicial hearing.  
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26 **RULE 9. WAIVER OF THESE RULES.** These Rules (except those that are required  
27 by law or those that involve notice) may be waived by affirmative vote of three Members  
28 of the Planning Commission at a meeting or workshop.  
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30 Any prior agenda policies or rules of procedure adopted by the Planning Commission are  
31 hereby repealed and shall be of no further force or effect. These Rules of Procedure shall  
32 become effective upon adoption.  
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34 **PASSED AND DULY ADOPTED** on November 6, 2023.  
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36 **PLANNING COMMISSION OF LEVY**  
37 **COUNTY, FLORIDA**  
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39 \_\_\_\_\_  
40 Parks Wilson, Chair  
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42  
43 Approved as to form and legal sufficiency  
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45 \_\_\_\_\_  
46 Nicolle M. Shalley, County Attorney