

**RULES OF THE  
ENVIRONMENTAL PROTECTION  
COMMISSION**

**CHAPTER 1-2  
ADMINISTRATIVE PROCEDURES**

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**1-2.00 GENERAL PROVISIONS  
(Applicable to all parts)**

It is the Commission's intent to encourage non-adversarial resolution of disputes whenever possible, and to facilitate prompt and efficient solutions for the protection of the environment. It is recognized that diverse environmental concerns and coordinating mechanisms between agencies, federal, state, regional and local, require and provide differing procedures for dispute resolution that in themselves can cause confusion. The following rule attempts to identify the available processes and clarify the procedures for their application.

**1-2.01 DOCUMENTS**

1. All documents filed pursuant to the procedures in this rule shall contain the name of the person filing, his address and telephone number, his signature, the file number to which the request applies if any, and a certificate of service attesting to having simultaneously provided copies of the document to all known parties involved in the proceeding. The Executive Director shall be served with a copy of all documents, except as may be filed pursuant to Part I below.

2. All documents received after 5 P.M., including facsimile documents where permitted, shall be entered as received the following regular business day.

3. The original initiating document for all processes shall be served upon the Commission or the Executive Director as provided in each part. The original of subsequent documents shall be provided to the appropriate Hearing Officer, mediator or party.

### **1-2.02 LEGAL REPRESENTATION**

It is not required that a party have legal counsel, although in some cases it may be advisable. It is intended that these procedures be as informal as possible, without prejudicing any party's rights, so that prompt and non-adversarial resolution can be achieved.

### **1-2.03 DISCOVERY**

Public Records Act requests shall be processed according to the requirements of law. Any person may arrange directly with staff to view the administrative files of the agency during regular business hours. Copies will be made upon payment of cost. Each party to any of the proceedings below may avail himself of discovery at his own expense as allowed by the Rules of Civil Procedure or as permitted by the Hearing Officer or mediator.

### **1-2.04 OPTIONS FOR ADMINISTRATIVE REVIEW**

**Pre-Application Meeting.** If a citizen is uncertain regarding the applicable regulations or requirements for compliance with environmental regulations, he may request a pre-application meeting with staff as provided in Part I below.

**Mediation.** If a regulated entity disputes a fact or interpretation of the regulations asserted by staff, it may request mediation as provided in Part I below.

**Estoppel Rights.** If an applicant for a permit or Director's authorization alleges that EPC is estopped from taking a certain position in a matter-because of a prior act of the EPC, he may request review to determine applicability of estoppel as provided in Part II below.

**84-446 Appeal.** If a regulated entity challenges the correctness of a decision or order of the Executive Director issued pursuant to Chapter 84-446 and the rules adopted thereunder, it may file an appeal for

administrative hearing pursuant to Part III below.

**Appeal Under Delegated Program.** If a regulated entity challenges the correctness of a permit decision or order of the Executive Director issued pursuant to delegation from the Department of Environmental Protection or Water Management District, it may file a Chapter 120 appeal as provided in Part IV below.

**Variance or Waiver.** If a regulated entity seeks a variance or waiver from existing regulations and can demonstrate that the purpose of the regulation will otherwise be met, it may apply as provided in Part V below.

**Private Property Rights.** If a regulated entity seeks relief as provided by Section 70.001, Florida Statutes because an existing use or vested right is inordinately burdened by the application of law, or that its use is unreasonably or unfairly burdened, it may request review pursuant to Part VI.

**Dispute Resolution.** If a regulated entity seeks relief as provided by Section 70.51 Florida Statutes because an enforcement action or development order unreasonably or unfairly burdens the use of its land or property, it may request review pursuant to Part VI.

### **1-2.05 REQUEST FOR DECISION OF THE DIRECTOR**

Any person denied permission to engage in proposed activity upon his property because of the application of Chapter 84-446, Laws of Florida, and the rules promulgated thereby, may request a Written Decision of the Director. Except where a different time is provided by another rule, the Executive Director shall issue a written decision setting forth his position and reasons within 30 days of a written request therefore.

**1-2.06 PETITIONS INVOKING SEVERAL PROCEDURAL PROCESSES**

1. A petitioner may preserve his right to appeal under Parts III or IV by filing a notice with a request to stay processing pending resolution under one of the other parts of this rule. If the petitioner or EPC believes that resolution is unlikely, either party may recommence the appeal proceedings with written notice of 30 days to the other party.

2. When a petitioner requests several separate procedures as outlined in Parts II through VI below, the Legal Department will request a meeting to reach agreement as to the order and process by which they will be most efficiently handled.

**1-2.07 APPOINTMENT OF HEARING OFFICERS, MEDIATORS AND SPECIAL MASTERS**

1. Upon recommendation of the Executive Director, EPC will appoint as many Hearing Officers as needed to hear appeals pursuant to Chapter 84-446, and such other matters as designated by the Commission. Except as provided in paragraphs 2 and 3., cases will be assigned to the hearing Officers on rotation and upon determination that no conflict of interest exists.

2. In the case of claims filed under Part II, the Hearing Officer will be those assigned may be a Hearing Officer regularly assigned by the County pursuant to Section 3.8.3.5 of the Hillsborough County Land Development Code.

3. In the case of claims filed under Part IV, Hearing Officers will be those assigned by the Division of Administrative Hearings.

4. Mediators will be appointed by the Executive Director as provided in Section 1-2.11. Special Masters will be appointed by the Executive Director upon mutual agreement of the parties as provided in Section 1-2.62.

**1-2.08 JUDICIAL REVIEW**

1. Any person aggrieved by the final administrative decision of the Commission pursuant to Chapter 84-446 may seek judicial review by filing an appeal by Petition of Writ of Certiorari with the Second District Court of Appeal.

2. Any person aggrieved by the final administrative decision pursuant to a delegation from the Department or Water Management District may seek judicial review by filing an appeal with the Second District Court of Appeal.

**PART I (Informal Process)**

**1-2.10 PRE-APPLICATION MEETING**

Any applicant may seek assistance from EPC staff by arranging a pre-application meeting with appropriate staff handling the proposed project. EPC staff will assist the applicant by explaining the type of information that will be reviewed and the standards and rules which may apply. Upon request, EPC staff will make every reasonable effort to include other agency staff as appropriate.

**1-2.11 REQUEST FOR MEDIATION**

1. Any person wishing to avail himself of mediation to resolve a perceived dispute of fact or interpretation of law prior to or following a Written Decision of the Director, may do so upon written request therefor to the Director. If an appropriate request is made hereunder, the following procedures shall apply. This option shall not be construed to limit efforts at any time to resolve or settle decisions or concerns through meetings and negotiation with appropriate staff or the Executive Director.

2. Mediation may consist of engaging the services of a trained mediator, with each party paying for half of the cost, or may involve asking a mutually acceptable person uninvolved in the dispute to listen to each side and assist in facilitating a resolution.

3. Unless a Notice of Appeal under Parts III or IV affirmatively states that mediation would be futile, a mediation process will be attempted prior to setting an appeal with a Hearing Officer.

a. Upon receipt of an appeal which can not be resolved directly with staff or the Executive Director, the Executive Director will forward the names of three Mediators certified by the Circuit Court for the appellant's review, and appropriate information regarding cost. The Executive Director shall also advise of the possibility of selecting an uninvolved person acceptable to both parties to assist in dispute resolution.

b. If appellant does not make a selection within 5 days, the Executive Director shall schedule the matter for mediation with a person of his choice.

#### **1-2.12 MEDIATION PROCESS**

1. The Mediator shall schedule a preliminary meeting with the parties within 10 days of selection, and any subsequent meetings deemed advisable.

a. The mediation meetings shall be informal.

b. Statements and settlement documents made at or in preparation for any mediation meeting shall not be used as evidence in any subsequent proceeding, unless agreed and signed by both parties.

c. The purpose of any such meeting is to open communication, clarify the facts and issues in dispute, identify options that may resolve all parties' concerns, and determine whether resolution can be achieved by agreement.

d. Any party or the Mediator may request that specific persons be available at the meetings to assist in the discussions. If a party refuses, the mediation may be deemed futile.

e. The Mediator shall control the conduct of the meetings and shall prohibit emotional confrontations.

2. The Mediator shall first attempt to identify each of the issues in dispute. If agreement on identifying the issues is reached, they shall be written and signed by the Appellant and the Executive Director, and shall establish the framework for the balance of the proceeding before the Mediator.

3. The Mediator shall then assist the parties in identifying options for resolving each party's concerns, and in reaching settlement if possible. If settlement is reached, all terms and conditions shall be written and signed by the Appellant and the Executive Director and shall be binding in any subsequent proceeding. If all issues in dispute are resolved, any pending appeal shall be dismissed.

4. Unless agreed otherwise, the costs of mediation shall be split equally between the parties.

5. If at any time, any party or the Mediator believes that additional efforts of mediation will be futile in identifying issues or achieving settlement, written notice of termination of mediation will be provided to the parties and the Mediator.

6. If mediation does not achieve settlement of an issue in a pending and timely filed appeal, the Executive Director will immediately arrange for the Chairman to appoint a Hearing Officer pursuant to Part VII, or will refer the matter to the Department of Administrative Hearings pursuant to Part II, with notice thereof provided each party.

## **PART II (Estoppel)**

### **1-2.20 REQUEST FOR HEARING TO DETERMINE ESTOPPEL**

1. Any applicant for a permit or Director's authorization who claims that the Commission is estopped from implementing its regulations because of prior actions of the Commission, staff, or the Executive Director, may file a request for relief under this part with the Executive Director.

2. A request for relief under this part shall contain information sufficient to permit a determination by the Commission pursuant to the following criteria:

a. There was a valid, unexpired act of the Commission, EPC staff, or the Executive Director, upon which the applicant reasonably relied in good faith; and that

b. The applicant made a substantial change in position or incurred extensive obligations or expenses in reliance upon that valid, unexpired act; and that

c. Denying the applicant a permit or approval under the rules adopted pursuant to Chapter 84-446, or issuing a permit or approval consistent with the criteria and standards of said rules, would destroy his rights and be inequitable, unjust or fundamentally unfair.

3. If the Executive Director cannot resolve the matter to the applicant's satisfaction following reasonable efforts to address the concerns regarding application of Commission's rules, the Executive Director shall review the request for compliance with the criteria set forth above, prepare a written report, and assign the request for hearing to a Hearing Officer within 30 days of receipt, unless a different time is agreed to by the parties.

4. The Hearing Officer shall determine procedural matters. Following a hearing and such review as necessary, the Hearing Officer shall render a recommendation to the Commission regarding estoppel by employing the criteria in subsection 2 above. The applicant has the burden of demonstrating that the criteria are met. The Commission will render a final administrative decision at its next regular meeting.

5. The Hearing Officer assigned to hear the request may be a Hearing Officer appointed by the County pursuant to Section 1-2.07(2) above, if acceptable to the Executive Director, the applicant, the County, and the Hearing Officer.

6. Notwithstanding anything in EPC's regulations to the contrary, if the Hearing Officer determines that a finding of estoppel would result in a threat of peril to public health, safety or welfare of the residents of the county, the request for relief under this part may be denied by the Commission.

### **PART III (Chapter 84-446 Appeal)**

#### **1-2.30 ADMINISTRATIVE REVIEW**

1. Any person who has received a Citation of Violation, Order to Correct, or Written Decision of the Executive Director pursuant to Chapter 84-446, and any person whose interests protected by Chapter 84-446 are adversely affected by an action or decision of the Executive Director, may obtain administrative review of the basis for the action or decision by appealing to the Commission.

2. To be accepted and processed, a Notice of Appeal must be received by the Chairman of the Commission within twenty (20) days after receipt or notice of the action or decision complained of, state specifically what part of the action or decision is appealed, and must specifically state each reason or ground for the appeal.

#### **1-2.31 FILING, SERVICE**

1. A Notice of Appeal shall be served and filed by certified mail with the Chairman of the Commission, and a copy served on the Executive Director.

2. Pleadings, papers, documents or notices shall be filed with the Hearing Officer, until such time as the Hearing Officer issues his report and recommendation to the Commission, or the matter is otherwise resolved. Exceptions to a Hearing Officer's report shall be filed with

the Chairman, with a copy to the Executive Director.

3. Except for a Notice of Appeal, service of any pleadings, papers, document or notices may be by regular United States mail or facsimile if desired. If a party is represented by an attorney of record, service may be had by serving his attorney.

### **1-2.32 PROCESS BEFORE THE HEARING OFFICER**

1. For each timely and appropriate appeal raising factual issues that cannot otherwise be resolved, a Hearing Officer shall be appointed as provided in Section 1-2 and notice thereof provided each party.

2. The Hearing Officer shall set each appeal for hearing at the earliest reasonable date, and cause notice thereof to be served upon the Appellant and the Executive Director.

3. Each party may avail himself of discovery at his own expense as allowed by the Rules of Civil Procedure. Hearings and the timing of any discovery shall be at the discretion of the Hearing Officer. Procedural motions may be decided by the Hearing Officer, without hearing, using the Rules of the Civil Procedure as guidance. Requests for reconsideration or rehearing made within 10 days of a ruling on a motion may be granted.

4. The Hearing Officer shall have the power to issue notices of hearings, subpoenas requiring the attendance of witnesses, and the production of evidence, to administer oaths and take testimony as may be necessary. He shall rule upon offers of proof, receive relevant evidence, dispose of procedural requests or similar matters, and in general, regulate the course of the hearings. The Hearing Officer may dismiss an appeal upon the Executive Director's written withdrawal of the decision appealed, or the Appellant's written withdrawal of his appeal.

5. The Hearing Officer shall require the parties to prepare pre-hearing statements of the facts and issues in dispute, and may

request written briefs or memoranda of law be furnished him when deemed necessary.

### **1-2.33 ADMINISTRATIVE HEARING**

1. All hearings shall be public.

2. The Hearing Officer shall afford all parties properly appearing before him the requisite due process of law including, but not limited to, the right to:

a. Present his case by oral and documentary evidence.

b. Submit rebuttal evidence and conduct such cross examination as may be required, subject, however, to the ruling of the Hearing Officer.

c. Be accompanied, represented and advised by counsel, or to represent himself.

3. All testimony taken at any hearing before the Hearing Officer shall be under oath or affirmation.

4. The burden of proof shall be on the Executive Director to establish each material fact reasonably raised in the appeal of a Citation. The burden of proof shall be on the Appellant to establish entitlement to a permit or exception allowed by the rules. Fact issues not raised by the Notice of Appeal shall be accepted as undisputed.

5. The Hearing Officer shall give probative effect to evidence which would be admissible in civil proceedings in Florida courts, but in receiving evidence due regard shall be given to the technical and highly complication subject matter which the Commission and Executive Director must handle, and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, effect shall be given to the rules of evidence recognized by Florida law.

6. A full and complete record of all proceedings and testimony presented shall be taken by stenographic or mechanical device and accurately and completely preserved and filed, together with any exhibit or documentary evidence admitted during any hearing. Upon payment and

receipt of all costs or fees necessary in producing same, a certified transcript of the whole, or any of the record, shall be furnished to any party in such proceeding requesting the same.

#### **1-2.34 REPORT AND RECOMMENDATION**

1. The Hearing Officer shall hear and determine all factual disputes properly raised by the Notice of Appeal concerning actions or decisions of the Executive Director relating to compliance with Chapter 84-446, and rules and regulations promulgated by the Commission.

2. The Hearing Officer shall render a written report containing individually numbered findings of fact based upon the evidence submitted to him. The Hearing Officer shall also separately offer conclusions regarding application of Chapter 84-446 and the rules and regulations to the facts as found, with a recommended draft Final Administrative Order for the Commission's consideration. The Hearing Officer shall not reach constitutional issues where unnecessary to make a recommendation. The report shall be submitted as promptly as possible to the Chairman and a copy thereof served on each party at the same time.

3. When a Hearing Officer issues his report and recommendation, the file maintained by the Hearing Officer in that matter shall be forwarded to the Commission Chairman, and the Hearing Officer shall have no further responsibility in the matter unless the Commission refers it back for additional review.

#### **1-2.35 EXCEPTIONS AND FINAL ORDER**

1. The parties may file with the Chairman written exceptions to the Hearing Officer's report on or before ten (10) days of the report's service on them. Exceptions shall be limited to challenge of the Hearing Officer's determination of facts with specific reference to evidence in the record,

or to the Hearing Officer's application of the existing rules to the facts as found. Copies shall be served on all parties.

2. If no exceptions are filed within the period, the Commission shall adopt the Hearing Officer's findings of fact, and shall make appropriate conclusions of law, and render a Final Order.

3. If exceptions are filed, they shall be heard by the Commission on reasonable notice. In such proceeding to review exceptions the Commission may hear argument from both parties on issues reasonably raised by the exceptions. No evidence will be taken, although opinions of the public may be heard at the Commission's discretion. If opinions of the public are heard, the parties will be allowed 5 minutes for closing argument. Material questions of fact necessary to final application of the rules, will be referred back to the Hearing Officer for review.

4. The Commission may reject, reverse or modify a finding of fact only if it finds that the fact is not supported by substantial competent evidence in the record.

5. The Commission shall affirm, reverse, or modify the Hearing Officer's findings of fact, make appropriate conclusions of law, and promptly render a written Final Order thereon, provided that the Commission shall not take any action which conflicts with or nullifies any provision of Chapter 84-446 or the rules enacted pursuant to said act.

### **PART IV (Delegated Programs)**

#### **1-2.40 APPEAL OF PERMITTING DECISION**

1. Any person who files a timely notice of appeal of the Executive Director's decision on a state permit in a regulatory program for which EPC has delegation from the Florida Department of Environmental

Protection (DEP) or the Southwest Florida Water Management District, and which by the terms of the delegation agreement requires administrative review pursuant to Chapter 120, Florida Statutes, shall be subject to the applicable procedures of Chapter 120.

2. Any such Notice of Appeal shall be filed with the Executive Director and be copied to DEP, and shall meet the applicable requirements of Chapter 62-4, Florida Administrative Code.

3. If timely, and if resolution cannot be obtained through other process such as mediation, the appeals under this part will be referred to the Department of Administrative Hearings for processing.

4. Upon receipt of the Hearing Officer's report and recommendation, the Executive Director or the Secretary of DEP, as required by the delegation agreement, shall issue a final administrative order according to the requirements of the delegation order and applicable operating agreements.

## **PART V (Variance or Waiver)**

### **1-2.50 REQUEST FOR VARIANCE OR WAIVER**

1. Upon application, the Executive Director may recommend to the Commission that a variance or waiver be granted from the provisions of the rules adopted pursuant to Chapter 84-446, where the applicant demonstrates:

a. A substantial hardship as defined by Section 120.542, Florida Statutes, or that a violation of the principles of fairness would occur, and

b. The purpose of the underlying rule can be, or has been, achieved by other means, and

c. The provision from which the variance or waiver is being sought did not originate with the DEP where the variance must be considered pursuant to Section 403.201, Florida Statutes.

2. The application must specify the rule for which the variance or waiver is requested, the type of action requested, the specific facts that would justify a variance or waiver, and the reasons why and the manner by which the purposes of the underlying rule would still be met.

3. Notice of the application must be published by the applicant in a newspaper of general circulation summarizing the factual basis for the application, the date of the Commission hearing, and information regarding how interested persons can review the application and provide comment.

4. The Commission will consider the application, the Executive Director's recommendation, and the comments of the public at a regular meeting. The Commission shall grant or deny the application by written decision supported by competent substantial evidence.

## **PART VI (Private Property Rights)**

### **1-2.60 CLAIM UNDER THE BERT HARRIS ACT**

1. Any person claiming that a specific action of the Commission or Executive Director in implementing regulations subject to Section 70.001, Florida Statutes, has inordinately burdened an existing use or vested right in his property as defined in Section 70.001(3) Florida Statutes, must present a written claim to the EPC Chairman, with a copy to the Executive Director, within one (1) year of the challenged action. The claim must specifically identify the action taken by EPC, the property affected, the use or right claimed to be vested, the manner by which the action inordinately burdens the use or vested right, and must include an appraisal demonstrating the alleged loss in fair market value.

2. The Executive Director will provide written notice of the claim by certified mail to the address kept on file by the County Property Appraiser to all owners of real property contiguous to the subject property,

and to any substantially affected party who submitted testimony in support or opposition to the challenged action and who requests notice of any subsequent proceeding.

3. The Executive Director will submit to the claimant, within 180 days of receiving the claim or as may be agreed by the parties, a settlement offer which addresses any identified inordinate burden, if any, and which continues to protect the public interest served by the questioned regulation.

4. If the settlement is accepted, the parties will proceed to implement the agreement. If the settlement contravenes an existing statute, the parties will jointly file a suit in circuit court to obtain judicial approval.

5. If the settlement is rejected, the Executive Director will issue a No Further Administrative Action Letter (i.e., ripeness decision), identifying the allowable uses for the subject property.

6. a. If a judicial decision subsequently requires that EPC compensate a claimant for an inordinate burden to his property, EPC will seek legal title to that property interest.

b. If the court finds that EPC made a bona fide settlement offer and ripeness decision pursuant to Section 70.001(6)c, Florida Statutes, which the claimant failed to accept, EPC will seek attorneys' fees and costs.

#### **1-2.61 CLAIM UNDER THE DISPUTE RESOLUTION ACT**

1. Any person claiming that an EPC enforcement action, permit, authorization, or other development order unfairly burdens the use of his land or real property, may seek relief as allowed by Section 70.51, Florida Statutes by filing a written request for appointment of a special master to the EPC Chairman, with a copy to the Executive Director, within 30 days of the challenged action (*Caution: the filing deadlines under parts III and IV are not automatically stayed*). The request must specifically identify the action taken by

EPC, the property affected, and must explain how the action taken is alleged to be unreasonable or to unfairly burden the claimant's property.

2. If all administrative appeals have not been exhausted at the time of the request, the Executive Director may:

a. Treat the request for a special master as an administrative appeal under Chapter 84-446, Laws of Florida, as provided in Part III above if made within the 20 days of the challenged action, granting the claimant the option to submit a new request at the conclusion of the appeal;

b. Convert an ongoing administrative appeal to the special master process; or

c. Suspend the request for a special master pending conclusion of an ongoing administrative appeal or expiration of 4 months, whichever occurs first.

3. Within 10 days of the filing or decision to proceed as described above, the Executive Director will forward the request to a mutually agreed upon special master.

4. The Executive Director will provide written notice of the request by certified mail to the address kept on file by the County Property Appraiser to all owners of real property contiguous to the subject property, and to any substantially affected party who submitted testimony in support or opposition to the EPC action and who requests notice of any subsequent proceeding.

a. Within 21 days of the filing of the request or decision to proceed as described above, any property owner or substantially affected person receiving notice from EPC, may request permission to participate in the special master proceeding, but not as a party or intervenor.

5. Within 15 days of the filing of the request or decision to proceed as described above, the Executive Director will respond to the claimant setting forth EPC's position regarding the allegations, and include a statement explaining the public purpose of

the regulations upon which the action or development order is based

6. Within 45 days of receipt of the request or as agreed by the parties, the special master must hold a hearing. The purpose of the hearing is to focus attention on the impact of the challenged EPC action, and to explore alternative.

a. The special master will provide at least 40 days notice prior to the hearing.

b. The hearing will be informal and not require the services of an attorney. The hearing will be open to the public.

c. the special master may subpoena any nonparty witness in the state to aid in the disposition of the matter.

d. Actions or statements made by participants in the special master hearing are inadmissible in any subsequent judicial or administrative proceeding.

e. The special master may hear from all parties and witnesses necessary to understand the matter, and must weigh all information offered at the hearing, in the request for relief, and any responses.

7. The parties may settle the issues at any time and end the proceedings. If an acceptable solution is not reached after the special master's attempt at mediation, the special master must determine whether the EPC action is unreasonable or unfairly burdens the real property. The circumstances to be examined in making this determination include those set forth in Section 70.51(18), Florida Statutes.

8. Within 14 days after the conclusion of the hearing, the special master must prepare and submit a written recommendation to the parties.

a. If the special master determines that the EPC action is not unreasonable or unfairly burdens the real property, the proceeding ends and the claimant may pursue other available remedies;

b. If the special master determines that the EPC action is unreasonable or unfairly burdens the real property, the special master may, with the claimant's consent, recommend one or more alternative solutions. The selected alternatives must

protect the public interest served by the underlying regulation and also allow for reduced restraints on the use of the real property.

9. Within 45 days of receipt of the special master's recommendation, the Commission will accept, modify through agreement, or reject the recommendation. Failure to act is a rejection.

a. The Executive Director will issue a written No Further Administrative Action Letter (i.e., ripeness decision) within 30 days if the Commission rejects the recommendation, or if the claimant rejects the Commission's decision on the recommendation. The ripeness decision will describe the uses available to the real property.

10. Fees, costs and expenses of the special master process are to be shared equally between all governmental parties and the claimant. EPC shall estimate the costs and shall submit the analysis and allocation to the claimant at the time of submitting its response to the initial request. Payment shall be submitted to the special master or otherwise arranged for prior to the hearing being held.

Adopted 4/25/85

Substantially Amended 8/21/97