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Reply to: Venice

December 22, 2016

The Honorable John W. Holic, Mayor  
and Members of the City Council  
401 West Venice Avenue  
Venice, Florida 34285

Re: Quasi-Judicial Presentations

Dear Mayor Holic and Council Members:

Recently, you asked me to research whether it is possible for the City to set reasonable time limits for oral presentations during quasi-judicial hearings. The short answer is yes. The limits need to be established prior to the hearing and must provide a party with a reasonable opportunity to be heard and present evidence.

A quasi-judicial hearing generally meets basic due process requirements if the parties are provided notice of the hearing and an opportunity to be heard. The parties must be able to present evidence, cross-examine witnesses and be informed of all the facts upon which the City Council acts. The opportunity to be heard, however, doesn't need to be unfettered.

Several Florida west coast governmental jurisdictions have enacted some form of limitation on the time allowed to make an oral presentation. Many jurisdictions establish procedures for submitting written evidence and arguments prior to the hearing. Submitting written materials before the hearing is intended to provide the decision maker more time to reflect upon the issues as well as to focus the oral presentation.

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If the City is interested in pursuing this, I'd recommend consideration of establishing both a time limitation on oral presentations as well as time frames for parties to submit written materials for consideration. The purpose would be to help focus and condense our current quasi-judicial process.

I would like to discuss this with you during your next City Council meeting. In the interim, if you have any questions, please contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Persson', with a large, loopy initial 'D'.

David P. Persson

DPP/dgb

cc: Edward Lavallee  
Lori Stelzer  
Jeff Shrum  
Kelly Fernandez, Esq.