

PROCEDURAL DUE PROCESS
Administrative Hearings

1. **Authority to Conduct Hearings.** The Board has the authority to conduct evidentiary hearings regarding applications for membership and benefits and related matters or, in its sole discretion, to have an evidentiary hearing held before a neutral hearing officer.
2. **Parties May Submit Position Papers.** Prior to the hearing, a party may submit a brief position paper, which shall be no longer than three pages, and other documents it wishes the hearing officer to consider. If a party chooses to submit a position paper, he or she should send a copy to the Board's secretary and hearing officer and serve a copy on the opposing party or his or her representative at least seven (7) calendar days before the hearing.
3. **Hearing Procedures.** All evidentiary hearings will be conducted consistent with the principals of due process and the rules of evidence generally applicable to administrative proceedings shall apply. The Board shall have the power to issue subpoenas compelling the attendance of witnesses. At the hearing, a party may present such oral and written evidence as the party deems necessary to establish his or her burden of proof. The parties and the hearing officer shall have the right to examine and cross-examine all witnesses.
4. **Notice of Recommended Decision.** The recommended decision of the hearing officer shall be based solely upon the evidence presented at the hearing and the applicable law. Following the conclusion of the hearing, the hearing officer shall render an opinion in writing setting forth the reasons for his or her recommendation.
5. **Final Action by the Board.** Once the hearing officer makes a recommendation, it shall be forwarded to the Board for final action. The Board shall conduct a review of the hearing officer's recommendation and hold a public hearing on the matter. At that time, the parties shall be permitted to present such legal arguments as they deem advisable, which may not exceed fifteen minutes per side unless the Board determines that exceptional circumstances warrant more time. The Board shall confine its decision to the factual record made at the hearing and shall not reject findings of fact unless the facts are not supported by competent and substantial evidence contained in the record. All decisions of the Board shall be reduced to writing and presented to the parties by mail. The Board's decision shall be final administrative action.
6. **Notice that a Record is Required to Appeal.** Pursuant to Section 286.0105, Florida Statutes, each notice to a party of a hearing in which a hearing officer may issue a recommendation or the Board may take an adverse action, shall include a statement substantially as follows:

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS. FOR THIS PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS

MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

7. **Appeal Procedures and Judicial Review.** In all cases where the Board rules against a party, the Board shall formally issue an Order containing its findings of fact and conclusions and promptly provide the parties with a copy of the Order. A party shall have 30 days from the date of the Order in which to appeal the decision to the Circuit Court of the Fourth Judicial Circuit of Florida in and for Duval County. Said review shall be by direct appeal as set forth in the Florida Rules of Appellate Procedure.