

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL CIRCUIT, IN AND FOR
WALTON COUNTY, FLORIDA

APPELLATE DIVISION

**PETITION FOR WRIT OF
CERTIORARI FROM THE
WALTON COUNTY BOARD
OF COUNTY COMMISSIONERS**

HISTORIC INLET
BEACH NEIGHBORHOOD
ASSOCIATION, INC., a Florida
not-for-profit corporation,

Petitioner,

CASE NO. _____

vs.

WALTON COUNTY, FLORIDA,
and RITA BOTTEMS

Respondents.

_____/

PETITION FOR WRIT OF CERTIORARI

Petitioner, HISTORIC INLET BEACH NEIGHBORHOOD
ASSOCIATION, INC. (hereinafter, "Neighborhood Association"), an adversely
affected party, petitions this Court for a writ of certiorari quashing the Final Order
rendered on October 9, 2017, by which the Board of County Commissioners of

Walton County (“Board”)¹ approved a major development application to develop the Summerhouse Bed and Breakfast (“Project”), in Walton County, Florida.

INTRODUCTION

Petitioner seeks relief from a decision of the Walton County Board of County Commissioners approving a major development order. Procedural due process was not accorded by the Board in approving the Project and in rendering the Final Order. Two Commissioners who voted to approve the Project failed to disclose *ex parte* communications before voting to approve the Project. In addition, the Board failed to conduct a quasi-judicial hearing and allow the Neighborhood Association and other participants the opportunity to present evidence, which was a departure from the essential requirements of law. These violations preceding the entry of the Final Order by the Board require that the Final Order be quashed as invalid and that a new and complete hearing before the Board be held, with all of its attendant due process protections.

JURISDICTION

This Court has jurisdiction to review quasi-judicial actions of local government commissioners. See Fla. R. App. P. 9.030(c)(3); 9.100(c)(2). Although this proceeding is referred to as “certiorari jurisdiction,” review of the Board’s decision is a matter of right. See, e.g., *Broward Cnty. V. G.B.V. Int’l, Ltd.*,

¹ The Board is made up of five Commissioners.

787 So. 2d 838 (Fla. 2001) (“first-tier certiorari review is not discretionary but rather is a matter of right”).² The decision below was rendered on October 9, 2017. This petition is timely filed.

STATEMENT OF THE RECORD³

A. The proposed development.

The applicant for the Summerhouse Project was Rita Bottems (“Applicant”), who applied for approval of a Major development order (Project No.: 15-001-00206) to develop a proposed 25-unit bed and breakfast facility, consisting of a three-story structure with 13,130 square feet of development. App. 10, 84.

B. Neighborhood Association

The Neighborhood Association is an adversely affected party and made up of the property owners of Inlet Beach, Florida, the community in which the proposed development would be located. App. 97-98; Tr. __. The Neighborhood Association, by and through its officers and members, appeared orally before the

² In addition, any adversely affected person who appeared orally or in writing before the Board conducting a quasi-judicial proceeding under the provisions of the Walton County Land Development Code (“LDC”) and asserted a position on the merits in a capacity other than as a disinterested witness, may seek review of the final decision of the Board by filing a petition for certiorari. *See* §10.02.01, Walton LDC, Appendix C, Walton County Code of Ordinances

³ The Appendix to the Petition is contemporaneously filed herewith along with a Motion to Supplement the Appendix with the transcript. References to documentary evidence are by bates number, as “App. __.” References to the transcript of the Board’s October 5, 2017 meeting is referenced by “Tr. __.”

Board at the proceedings in which the Summerhouse Project was approved. App. 230; Tr. __.

C. June 21, 2016 hearing: The Board departed from essential requirements of the law in the Final Order rendered June 23, 2016.

The Summerhouse application was initially heard on June 21, 2016. The Board held a quasi-judicial hearing on the Applicant's application for the development order. App. 159-171. Four of the five commissioners were present for this meeting, including Cindy Meadows, Bill Imfeld, Bill Chapman, and Cecilia Jones.⁴ App. 137. At the end of the hearing, the four commissioners voted. App. 152, 170. One commissioner made a motion to approve the project, but it failed due to a lack of a second. App. 152, 170. Another commissioner made a motion to deny the project, which received a second. App. 152, 170. The commissioners voted, which resulted in a 2-2 tie vote. App. 152, 170. The county attorney at that time announced that a split vote meant the project was denied and a final order was rendered on June 23, 2016. App. 77-78, 152.

Within 30 days of the rendition of the June 23, 2016 order, the Applicant filed a Petition for Writ of Certiorari with this Court requesting that the Circuit Court quash the Board's June 23, 2016 final order on the basis that it was not supported by competent substantial evidence, and departed from the essential

⁴ Commissioner Sara Commander was not present.

requirements of the law when the Board issued the final order on a vote to deny the project. App. 172-205. This Court granted the petition and found that the proceedings below and the failed vote (2-2 tie) constituted a substantial departure from the essential requirements of law in that the tie resulted in a *failure to deny* the application, rather than a *denial of* the application. App. 59-72. As a result, the Court quashed the Board's order and remanded the matter. App. 71.

D. September 19, 2017 hearing.

On September 19, 2017, a "rehearing" was presented for the Summerhouse project. App. 296 (Item #2). However, due to the absence of one Commissioner, the County Attorney recommended a continuance to allow for a full board to be present. App. 297-299. The Board voted to continue it to October 5, 2017. App. 299.

E. October 5, 2017 hearing

1. The Board failed to conduct a quasi-judicial rehearing.

On October 5, 2017, the Board did not hold a *de novo* quasi-judicial rehearing, but rather held a "continuation" hearing. No evidence was taken and, thus, the Neighborhood Association was denied its due process right to present evidence.

All five commissioners were present at the hearing. App. 229. However, there were now two different commissioners (Melanie Nipper and Tony Anderson)

who had been elected to serve on the Board since the June 21, 2016 hearing. App. 137, 229. In addition, one commissioner (Sara Comander) was in attendance who had been absent from the June 21, 2016 hearing. App. 137, 229. In other words, there were only two commissioners in attendance (Cecilia Jones and Bill Chapman) who had served on the Board at the time of the June 21, 2016 hearing. Notwithstanding the fact that the majority of the commissioners in attendance on October 5, 2017 had not been present at the June 21, 2016 hearing, the Board did not hold a quasi-judicial hearing on October 5, 2017.

At the beginning of the rehearing, the county attorney announced that the Board would follow, and the Board did follow, “a little bit of an unusual hearing” procedure:⁵ watched a video of the original June 21, 2016 hearing, prohibited the admission or acceptance of any new evidence, allowed commissioners to ask questions solely based on the video and packet of information (which is the same packet from 2016 plus an additional memorandum from an attorney for the applicant), allowed public comment (but not sworn testimony and no new evidence accepted), and allowed commissioners to consider any motions to approve the project. App. 229-230; Tr. ____.

In fact, this proceeding was completely “ad hoc”. It is not authorized by Florida Statutes, by case law, or by the Walton County Comprehensive Plan or

⁵ Compared to the Board’s “usual quasi-judicial hearings.” Tr. ____.

Land Development Code. A video of the June 21, 2016 hearing was played, with several technical difficulties requiring the Board to take several breaks. The Board prohibited participants, including the Neighborhood Association, from giving sworn testimony or submitting documentary evidence to the Board. During the public comment, at least one of the new commissioners (Nipper) had several questions about parking. Tr. ____.

After public comment, the commissioners debated and asked questions. App. 232. Several commissioners (two of whom were not present at the June 21, 2016 meeting) asked questions regarding sufficiency of parking (handicap and employee), landscape obstructions, definitions of bed and breakfasts in the land development code, 24-hour operations compatibility, force main capacity, and the outcome should the state not license the business to be built on the property as a bed and breakfast, compatibility, hours of operation, and water and sewer availability. App. 230-232; Tr. ____.

Notwithstanding the fact that more than 15 months had passed since the June 21, 2016 hearing, the county attorney advised several times that no new evidence would be accepted and that commissioners' questions were to be based solely on the June 21, 2016 video and Board packet and not on any other issue raised. App. 230-231; Tr. ____.

At the end of the meeting, a vote was taken, which resulted in a 3-2 vote by the Board to approve the Summerhouse Project. App. 232; Tr. ____.

2. Commissioners Jones and Anderson failed to disclose *ex parte* contacts they had prior to the October 5, 2017 hearing.

The meeting minutes for the October 5, 2017 hearing identify the exhibits considered by the Board (“Exhibits: Staff Report 1 (brought forward from the September 19, 2017 Regular Meeting in which the project was continued to this date.)”) and identify *ex parte* disclosures (Ex Parte: Jones, Chapman, Anderson, Comander, Nipper). App. 232. The transcript of the hearing does not reveal that any *ex parte* disclosures were made during the meeting; however, the commissioners in attendance filed *ex parte* disclosure forms with the Clerk to the Board. App. 233-295; Tr. ____.

Three of the commissioners filled out the disclosure form and identified the person with whom they communicated and the substance of the communications; two commissioners’ *ex parte* disclosure forms were completely devoid of any information about the *ex parte* communications they had prior to the October 5, 2017 hearing. App. 234-236, 238-295; App. 233, 237.

Commissioner Chapman’s *ex parte* disclosure form identified that he received email communications from six individuals regarding opposition to the Summerhouse Bed and Breakfast. App. 234. Commissioner Comander’s *ex parte* disclosure form identified that she received two written email communications

from two individuals and that the substance of those communications was in opposition to the project (e.g., stating concerns that the Summerhouse Bed and Breakfast Project is a motel masquerading as a “B & B”, that Florida law limits bed and breakfasts “B & B’s” to 15 rooms, that the project proposes 25 rooms, and trusting Florida law will be respected; “asking for a NO vote regarding th[e] Summerhouse project”). App. 235-236. Commissioner Nipper’s *ex parte* disclosure identified that she had received written email communications in September and October 2017 in opposition to the project. App. 238. She wrote “See attached emails” and attached 56 pages of emails. App. 238-294. In addition, Commissioner Nipper previously filed an *ex parte* disclosure on September 25, 2017 specifying that she had an in-person conversation with an individual identified as “Mr. Jenkins” regarding parking. App. 295.

Both Commissioner Jones and Commissioner Anderson failed to disclose any details about the *ex parte* communications they had. App. 233, 237. Both Commissioner Jones’ and Commissioner Anderson’s forms provide “varied” with respect to the dates of the *ex parte* communications and the persons with whom they communicated. App. 233-237. Both commissioners left blank the section regarding the substance of the communications. App. 233-237.

This is not an anomaly, oversight, or clerical error for Commissioners Jones and Anderson. In fact, unlike the other commissioners, both Commissioner Jones

and Commissioner Anderson previously filed nearly identical forms *devoid* of any information about their *ex parte* contacts prior to the other two hearings.⁶ App. 300, 363.

Commissioner Jones filed an *ex parte* disclosure form at or in advance of the June 21, 2016 hearing that lacked any specificity with respect to who she communicated with, the dates of the communication, and the substance of the communication. App. 363. Commissioner Jones' disclosure form merely stated "Varied" as to the dates, "Varied" as to the persons, and "Varied" as to the substance.⁷ App. 363.

Likewise, Commissioner Anderson filed an *ex parte* disclosure form at or in advance of the September 19, 2017 hearing that was completely *devoid* of any information regarding the *ex parte* communication he had. App. 300. It lacked any specificity with respect to who he communicated with, the dates of the communication, and the substance of the communication. App. 300. Specifically, Commissioner Anderson's disclosure form stated "Various dates," "Varied" as to the persons communicating, and he left blank the section addressing the substance

⁶ The other commissioners' *ex parte* disclosures filed in advance of the June 21, 2016 quasi-judicial hearing and September 19, 2017 meeting are located in the record at App. 313-362, 364 and App. 301-304, respectively.

⁷ Neither the transcript nor the meeting minutes of the June 21, 2016 hearing reveal that any *ex parte* disclosures were made during the meeting, other than a reference to "Ex Parte: Chapman, Anderson, Comander," apparently in reference to *ex parte* disclosure forms filed with the Clerk to the Board.

of the communication. App. 300. The only detail he included was that the *ex parte* communication he received was by written communication, although Commissioner Anderson failed to attach a copy, identify the person who sent the written communication, identify the date he received it, or describe the substance of the communication. App. 300.

3. Final Order.

On October 9, 2017, a Final Order was rendered approving the project, which included the following language:

WHEREAS, this matter came before the County Commission for **hearing on October 5, 2017**, pursuant to proper notice published in accordance with the Land Development Code for Walton County, Florida ("LDC"); and

WHEREAS, **the Commission conducted the hearing pursuant to the requirements of the LDC, taking evidence in the form of witnesses and exhibits;**

App. 6-7. (Emphasis supplied.) Notwithstanding the language of the Final Order and as evidenced by the transcript, the hearing was *not* conducted pursuant to the requirements of the LDC, and no evidence was taken (in the form of witnesses or exhibits) at the October 5, 2017 hearing.

STANDARD OF REVIEW

Where a party is entitled, as a matter of right, to certiorari review of an administrative action in the circuit court, the circuit court must determine whether: (1) procedural due process was afforded; (2) the essential requirements of the law

were observed; and (3) whether the decision is supported by competent substantial evidence. *See, e.g., Broward Cnty.*, 787 So. At 843 (Fla. 2001); *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995); *Bd. Of Cnty. Comm'rs v. Snyder*, 627 So. 2d 469, 476 (Fla. 1993); *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982).

The “core” of due process is the right to notice and an opportunity to be heard. *LaChance v. Erickson*, 522 U.S. 262 (1998). *See also Mathews v. Eldridge*, 424 U.S. 319 (1976). In determining whether procedural due process was accorded, the Court must consider whether certain standards of basic fairness were adhered to in order to afford due process. *Jennings v. Dade Cty.*, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991).

ARGUMENT

I. THE COURT SHOULD QUASH THE FINAL ORDER BECAUSE THE BOARD DID NOT AFFORD PETITIONER PROCEDURAL DUE PROCESS.

The Court should quash the final order because it violated the procedural due process rights of Petitioner. Two commissioners had *ex parte* communications about the Summerhouse project prior to their vote to approve it and neither commissioner disclosed the identity of persons with whom they communicated nor the substance or subject of those communications. By their failure to disclose even the most basic information about these communications (i.e., who they

communicated with and what they communicated about), the commissioners failed to inform the Neighborhood Association of all the facts upon which the Board acted and, thus, the Neighborhood Association was denied the opportunity to present evidence to rebut these undisclosed facts. The Neighborhood Association is entitled to a presumption that these undisclosed communications and the undisclosed facts were prejudicial to the Neighborhood Association. Thus, Petitioner was denied due process both under the United States and Florida constitutions as well as section 10.02.05 E of the Walton LDC.

A fair trial before an unbiased tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. Our system of law has always endeavored to prevent even the possibility or appearance of unfairness. Quasi-judicial proceedings, such as land use hearings, are not controlled by strict rules of evidence and procedure. Nonetheless, certain standards of basic fairness must be adhered to in order to afford due process.

“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.” *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991). For example, in quasi-judicial zoning proceedings, “the parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts.” *Id.* In this case, the Neighborhood Association was denied both

its right to present evidence and its right to be informed of all the facts upon which the commission may have relied.

Broadly defined, an *ex parte* contact is any written or verbal communication with an official with decision-making authority initiated outside of a regularly noticed public hearing. See Black's Law Dictionary 597 (7th ed.) ("Ex parte" means: "On or from one party only, usu. Without notice to or argument from the adverse party" and "[d]one or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested"; "ex parte communication" means "[a] generally prohibited communication between counsel and the court when opposing counsel is not present.") *Ex parte* communications are one-sided and outside-of-hearing communications, which are presumptively prejudicial. *Jennings*, 589 So. 2d at 1341. All parties are entitled to have the matter heard by an impartial person or body. At the very least, *ex parte* contacts, whether the contacting person is an applicant or a participant protesting the application, call into question the impartiality of the decision maker.

It is well established in Florida law that undisclosed *ex parte* communications irrevocably taint the local government's decision-making process:

Whether, as a result of improper *ex parte* communications, the agency's decision-making process was irrevocably tainted so as to make the ultimate judgment of the agency unfair, either as to the innocent party or to the public interest that the agency was obliged to protect. ...

Jennings, 589 So. 2d 1341 (quoting *Professional Air Traffic Controllers Org. (PATCO) v. Federal Labor Relations Auth.*, 685 F.2d 547, 564-65 (D.C. Cir. 1982)).

Every quasi-judicial decision must be supported by findings of fact, which must be based solely upon the evidence as it appears in the record of the proceeding that consists only of matters presented at the hearing, not anything presented before or after the hearing. Therefore, only evidence presented during the hearing, or on the record of the hearing, may be relied upon in reaching the body's decision. When decision-makers have *ex parte* contacts before a hearing that are not disclosed, parties and participants are unable to present sworn testimony addressing those undisclosed facts. Thus, *ex parte* contacts create a presumption of prejudice. *Jennings*, 589 So. 2d 1341.

Jennings is the seminal case addressing *ex parte* communications in quasi-judicial hearings. 589 So. 2d 1337 (Fla. 3d DCA 1991), *rev. denied*, 598 So. 2d 75 (Fla. 1992). *Jennings* involved a request for a variance that was ultimately approved by the Zoning Appeals Board and the Metro Dade County Commission. Following the County Commission hearing, *Jennings*, a neighbor to the property which received the variance, found that a lobbyist for the variance applicant had personally visited the county commissioners on an individual basis. *Jennings* claims that because the nature of the proceeding was quasi-judicial, the Zoning

Appeals Board and the County Commission were effectively functioning as judgments. Jennings claimed that the *ex parte* communications of the lobbyist with the individual judges (or commissioners) deprived him of his state and federal constitutional due process rights to a fair, impartial hearing.

On appeal, the Third District Court of Appeal agreed and held that once an *ex parte* communication is proved, a presumption arises that the contact is prejudicial. The complaining party will automatically be entitled to a reversal of the local government decision and a new hearing must be held unless it is proven that the communication was not actually prejudicial. *Id.* at 1339.

The Third District Court of Appeals declared the following, which has been subsequently referred to as the *Jennings* Rule:

Ex parte communications are inherently improper and are anathema to quasi-judicial proceedings. Quasi-judicial officers should avoid all such contacts where they are identifiable. However, we recognize the reality that commissioners are elected officials in which capacity they may unavoidably be the recipients of unsolicited *ex parte* communications regarding quasi-judicial matters they are to decide. The occurrence of such a communication in a quasi-judicial proceeding does not mandate automatic reversal. Nevertheless, we hold that the allegation of prejudice resulting from *ex parte* contacts with the decision makers in a quasi-judicial proceeding states a cause of action. ... Upon the aggrieved party's proof that an *ex parte* contact occurred, its effect is presumed to be prejudicial unless the defendant proves the contrary by competent evidence.

Jennings, 589 So. 2d at 1341.

In 1995, the Florida Legislature adopted §286.0115, Florida Statutes, to deal with what it perceived to be problems presented by the *Jennings* case for local elected public officials, allowing local governments to remove the presumption of prejudice of *ex parte* communications under certain circumstances. §286.0115(1), Fla. Stat. The presumption of prejudice arising from *ex parte* communications with local public officials shall be removed if the county adopts an ordinance or resolution adopting the procedures set forth in the statute including, in pertinent part, that the subject of the communication, the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record. §286.0115(1), Fla. Stat. “Disclosures made . . . must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those express in the *ex parte* communication are given a reasonable opportunity to refute or respond to the communication.” §286.0115(1)(c), Fla. Stat.

A county may adopt an ordinance and the provisions of §286.0115 for quasi-judicial proceedings on local government land use matters, but such ordinance must provide procedures and provisions “identical” to it. §286.0115(a), (b), Fla. Stat. Only if the county adopts procedures identical to the provisions in §286.0115 will any *ex parte* communications not be presumed prejudicial. §286.0115(2)(c), Fla. Stat. Walton County has *not* adopted such a procedure.

With respect to *ex parte* contacts, Walton County's ordinance provides:

- E. *Ex Parte Contacts.* Quasi-judicial decision-makers shall reveal any prehearing or *ex parte* contacts with regard to a particular matter at the commencement of the hearing on such matter. For purposes of this section, "ex parte" shall mean any contact with a member of the hearing Board occurring outside of the hearing of a matter. However, incidental preapplication contacts that do not include discussion as to particulars of a pending proposal do not need to be stated. If the decision-maker's impartiality or ability to vote on the matter has been impaired by any such contact, the decision-maker shall so state and shall abstain from participation in the decision of the matter.

§10.02.05E., Walton Cty. LDC, Appendix C, Walton Cty. Code of Ordinances

Here, Commissioners Cecilia Jones and Tony Anderson failed to disclose *ex parte* communications or contacts, in violation of the Neighborhood Association's procedural due process rights and the *Jennings* Rule. Quasi-judicial hearings, such as hearings on land use development orders, are open to public participation. Due process is not just afforded to parties; participants are also entitled to basic fairness. A participant, such as the Neighborhood Association, is entitled at the very least to be informed of all the facts upon which the Board acts, including *ex parte* communications, so that they have a reasonable opportunity to refute or respond to that communication.

Here, Commissioner Jones and Commissioner Anderson did not disclose the substance of their *ex parte* communications or with whom they received *ex parte* communications. As a result, Petitioner was not afforded an opportunity to object

to or rebut or even learn the substance of the communication between either of these commissioners and unidentified parties that were had before the hearing in which they voted. This lack of disclosure failed to comply with *Jennings*, section 286.0115, Florida Statutes, and the local ordinance and, therefore, the Board violated Petitioner's due process rights under *Jennings* as the presumption of prejudice was never removed.

II. THE COURT SHOULD QUASH THE FINAL ORDER BECAUSE THE BOARD DID NOT HOLD A QUASI-JUDICIAL HEARING.

The Circuit Court's prior decision quashing the Board's first decision ended the prior matter; it did not enter any judgment on the merits or direct any particular further proceedings. It clearly did not authorize the County to ignore the clear mandate of Florida law and the Walton County Code that the County conduct quasi-judicial proceedings in this matter.

On remand, however, the Board treated this matter as if it had not reached a decision on June 21, 2016, but had merely abated the matter to allow for interlocutory review, and could simply conduct a "continuation" hearing on remand. This is an inaccurate characterization of the 2016 decision. The June 21, 2016 Order ended the proceeding on the Summerhouse application. The Order clearly states "that the application for SUMMERHOUSE BED AND BREAKFAST is hereby DENIED . . ." Moreover, the subsequent Circuit Court

Final Order quashed the County Commission's 2016 decision and did not enter any judgment on the merits, or direct any particular action on remand.

Under Florida law and the Walton County Code, the County was required to conduct a quasi-judicial hearing on October 5, 2017. Quasi-judicial hearings require that all affected parties are "given a fair opportunity to be heard in accord with the basic requirements of due process." *Walgreen v. Polk County*, 524 So. 2d 1119 (Fla. 2d DCA 1988). Here, the Board did not hold a quasi-judicial hearing; rather, it simply replayed the video from the June 21, 2016 hearing and took public comment, but refused to take new evidence. The Board thus denied the Neighborhood Association its due process rights.

CONCLUSION

This Court should grant this Petition for Writ of Certiorari and quash the Final Order and remand the matter back to the Walton County Board of County Commissioners for a new and complete hearing so that Petitioner will have the opportunity to contest, respond to, and rebut the *ex parte* communications, and to present evidence. As the record reflects, the Board did not afford Petitioner its procedural due process rights when two commissioners failed to disclose their *ex parte* communications that, as a result, are presumptively prejudicial, and refused to allow Petitioner and other participants to present evidence. In short, the Board

failed to provide procedural due process or meet the essential requirements of law on October 5, 2017 when it approved the Summerhouse Project.

CERTIFICATE OF SERVICE

I hereby CERTIFY that a true and correct copy of the foregoing Petition for Writ of Certiorari was served via the Florida Courts E-Filing Portal and via U.S. Certified Mail (return receipt requested) pursuant to Fla. R. App. P. 9.420(c), this 8th day of November, 2017 on the following:

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CERTIFICATE OF COMPLIANCE

I hereby CERTIFY that this Petition for Writ of Certiorari complies with the font requirements of Fla. R. App. 9.100.

/s/ Jennifer A. Sullivan

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