

*appeal is to be based"*

Florida Statute 286.0105 states as follows:

*286.0105?Notices of meetings and hearings must advise that a record is required to appeal.—Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such 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. The requirements of this section do not apply to the notice provided in s. 200.065(3).*

*History.—s. 1, ch. 80-150; s. 14, ch. 88-216; s. 209, ch. 95-148.*

The Petitioner alleges that procedural due process was not accorded as the notice mailed was not via certified mail, the posted notice was not visible from the road as the signage was left fallen to the ground, and the record evidence of the published advertisement notices did not contain the required language set forth in 50-3 or F.S. 286.0105.

Regarding the issue of notice, Respondents advance argument that the requirements of 50-3 are not controlling and that the provision of the Levy County Code establishing the requirements of notice for the Application which are relevant to this case are solely contained in Sections 50-719 and 50-798. The Respondent suggests that because Section 50-3 was adopted by the BOCC on December 5, 2023, and became effective on December 12, 2023, and the Application under review was filed prior to the effective date of this code provision, the notice requirements of 50-719 and 50-798 dictate the controlling notice requirements which are determinative in this case.