

7A-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ENVIRONMENTAL CONTROL BOARD

BOARD APPOINTMENT SUMMARY

Meeting Date: July 19, 2011Department: Palm Beach County Health DepartmentSubmitted by: Office of County AttorneyAdvisory Board Name: Environmental Appeal Board

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: reappointment of the following individual to the Palm Beach County Environmental Appeal Board for a term beginning on July 28, 2011, and ending on July 27, 2014.


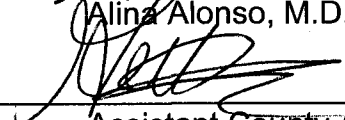
| | | | |
|-----------------------|------------------------|--------------------------------|-----------------------------|
| <u>Nominee</u> | <u>Seat No.</u> | <u>Seat Requirement</u> | <u>Nominated by:</u> |
| Brian Joslyn, Esq. | 5 | Attorney | PBC Bar Association |

Summary: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one (1) water resource professional employed by the South Florida Water Management District (SFWMD); and one (1) drinking water engineer employed by the Department of Environmental Protection (DEP).

Background and Justification: Environmental Control Rules I and II provide for the organization of the Environmental Appeal Board. These rules state that composition and representative members of the Appeal Board shall consist of an attorney, an engineer, a water resource professional, a drinking water engineer, and a professional recommended by the Home Builders and Contractors Association. (The Home Builders and Contractors Association has merged with another association and is now known as the Gold Coast Builders Association) Mr. Joslyn expressed a desire to remain on the Appeal Board and was recommended by the PBC Bar Association. This Board consists of five (5) members: five (5) white males.

Attachments:

1. Board Appointment Information Form
2. Palm Beach County Code of Ethics Form for Mr. Joslyn
3. Guide to Sunshine Amendment Form for Mr. Joslyn
4. Resume for Mr. Joslyn
5. Recommendation from the PBC Bar Association for Mr. Joslyn
6. Current List of Board Members
7. Current Attendance Log
8. Chapter C, Section 4 of Article 17, Unified Land Development Code
9. Chapter A, ECR-1, Section 12 of Article 15, Unified Land Development Code

| | | |
|--------------------|---|------------------------|
| Recommended by: |  (Alina Alonso, M.D., Health Department Director | <u>6/21/11</u> Date |
| Legal Sufficiency: |  Assistant County Attorney | <u>6/28/11</u> Date |

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
ADVISORY BOARD NOMINEE INFORMATION FORM**

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Further, please attach a biography or résumé to this form.

Part I (to be filled out by Department): (Please Print)

Board Name: Environmental Appeal Board

☒ At Large Appointment or ☐ District Appointment

Term of Appointment: 3 Years. From: 7/27/2011 To: 7/26/2014

Seat Requirement: Attorney nominated by PBC Bar Association Seat #: 5

☒ *Reappointment or ☐ New Appointment

or ☐ to complete the term of _____ Due ☐ resignation ☐ other to:

Completion of term to expire on: July 27, 2011

***When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.**

0 Number of previously disclosed voting conflicts during the previous term

Part II (to be filled out and signed by Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: JOSLYN BORIAN B
Last First Middle

Occupation/Affiliation: LAWYER

Business Name: CASEY CIKLIN LOBITZ MARTENS & O'CONNELL

Business Address: 515 N. FLAGLER DR. SUITE 2000

City & State: WFB, FL Zip Code: 33401

Residence Address: 91 YACHT CLUB PL.

City & State: TEQUESTA, FL Zip Code: 33469

Home Phone: (561) 747-6131 Business Phone: (561) 832-5900 Ext.

Cell Phone: (561) 820-0351 Fax: (561) 820-0389

Email Address: B.Joslyn@caseycklin.com

Mailing Address preference: ☒ Business ☐ Residence

Have you ever been convicted of a felony: Yes _____ No X

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code:

☐ IF (Native-American Female) ☐ IM (Native-American Indian Male)
☐ AF (Asian-American Female) ☐ AM (Asian-American Male)
☐ BF (African-American Female) ☐ BM (African-American Male)
☐ HF (Hispanic-American Female) ☐ HM (Hispanic-American Male)
☐ WF (Caucasian Female) ☒ WM (Caucasian Male)

Applicant's Signature: Borian Date: 5/23/11

Part III (to be filled out by Commissioner):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____



TO: ADVISORY BOARD MEMBERS

FROM: ROBERT WEISMAN
COUNTY ADMINISTRATOR

RE: PALM BEACH COUNTY CODE OF ETHICS

Effective May 1, 2010, contractual relationships between Palm Beach County government and advisory board members, their employers, or businesses, are prohibited conflicts of interest as set forth in the Palm Beach County Code of Ethics, Ordinance 2009-051. This conflict of interest must be waived by an affirmative vote of five (5) members of the Board of County Commissioners upon full disclosure at a public meeting in order to accept appointment to an advisory board. In the space provided below, please identify any such contractual relationships, or verify that none exist at this time. The Ordinance (2009-051) and the training requirement can be found on the web at: <http://www.pbcgov.com/ethics/advisory.htm>

| <u>Type of Contract</u> | <u>Which Department/Division</u> | <u>Effective Date</u> | <u>Term</u> |
|-------------------------|----------------------------------|-----------------------|-------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

_____ Yes, submit a waiver to the Board of County Commissioners, since I or my employer have/has the above named contract(s);

OR

☒ At this time, I nor my employer have contract(s) with the Board of County Commissioners

As a (current or potential) advisory board member you are required to receive training on the PBC Code of Ethics and acknowledge that you have read and understand the PBC Code of Ethics Ordinance.

If you are unable to access the training and/or Ordinance on the web, please contact Barbara L. Sullivan at (561) 671-4007 for other arrangements.

Acknowledgement of Receipt

NAME: Brian Joslyn, Esq.
Print or Type

FIRM/COMPANY/ORGANIZATION: Casey Ciklin Lubitz Martens & O'Connell

ADVISORY BOARD(S): Environmental Appeal Board

I acknowledge that I have taken the required training; and read and understand the Palm Beach County Code of Ethics Ordinance, the provisions of which are effective May 1, 2010. I understand that as an advisory board member of the above-mentioned board(s) that I am bound by it.

Signature: Brian Joslyn Date: 5/23/11

Please sign and return this FORM to: Barbara L. Sullivan, Palm Beach County Health Dept., P.O. Box 29, 800 Clematis St., WPB, FL 33402. A self-addressed envelope has been provided for your convenience.

Attachment # 3

BRIAN B. JOSLYN

515 North Flagler Drive, Suite 1800 • West Palm Beach, Florida 33401 • (561)820-0351
e-mail: bjoslyn@caseyciklin.com

EDUCATION:

Undergraduate: University of Central Florida, B.S. Political Science 1978, Summa Cum Laude; minors in Economics and Russian Language; Cumulative GPA: 3.92; Graduated second in class of College of Social Sciences

Law School: University of Florida, J.D. with Honors 1981; GPA: 3.01; Graduated in top 25% of class

ACTIVITIES AND HONORS:

Undergraduate: Dean's Merit Scholarship Recipient 2 quarters; Debate Scholarship Recipient; Dean's List Every Quarter of Undergraduate School; 4.0 GPA in major and in Economics minor; President, Political Science Union; Student Senator, Senior Year; Debate Team, Freshman - Junior Year; member Omicron Delta Kappa Leadership Fraternity

Law School: Dean's List 8 of 9 quarters; Chancellor of University of Florida Honor Court, Senior Year; Attorney General of the University Student Body, Junior Year; Florida Blue Key; Kappa Alpha Fraternity; Book Award, Income Taxation I

EMPLOYMENT:

January 1987 - Associate, then Partner (since January 1989), Casey, Ciklin, Lubitz, Martens, & O'Connell, Present West Palm Beach, FL. Trial Lawyer, practice focus on: Real Estate Finance Law; Corporate and Partnership Dissolutions and Disputes; Land Use Litigation; Legal and Accounting Malpractice; Loan Workouts; Probate Litigation; Construction Litigation and Securities Litigation; Over 125 Trials, Arbitrations and Appeals. Argued successfully in Florida Supreme Court in Bitterman v. Bitterman, 714 So.2d 356 (Fla. 1998). Rated AV by Martindale Hubbell.

Sept. 1981 -
Dec. 1986 Associate Attorney, DeSantis, Cook, Gaskill & Silverman, P.A., North Palm Beach, Florida - Employed as Commercial Trial Lawyer with a practice focusing on Real Estate Finance and Landlord-Tenant Litigation; Probate, Corporate and Partnership Litigation.

Fall 1980 -
June 1981 Law Clerk to Professor Fletcher N. Baldwin, Jr., University of Florida; Senior Paper on Ineffective Assistance of Counsel on Appeal in Death Penalty Cases - became part of Appellate Brief argued by Professor Baldwin to Florida Supreme Court in Knight v. State, 395 So.2d. 997 (Fla. 1981)

Fall 1979 -
June 1981 Law Clerk to Honorable Benjamin M. Tench, Circuit Judge, Eighth Judicial Circuit Court of Florida; Gainesville, FL

PROFESSIONAL ASSOCIATIONS:

Florida Bar; American Bar Association; U.S. District Court, Southern District of Florida Bar Association; Southern District Trial Bar; Academy of Florida Trial Lawyers; Association of American Trial Lawyers; Palm Beach County Bar Association. - Florida Bar Grievance Committee (Palm Beach County) 1993 - 1996; Vice Chair 1996; Palm Beach County Trial Lawyers Association

NON-LEGAL WORK EXPERIENCE:

1971 - 1974

U.S. Army; Paratrooper, Ranger and Special Forces Qualified; Airborne Ranger Fire Team Leader and Long Range Reconnaissance Team Member, Honorably discharged as Sp.4.

1975 - 1978

Worked at a variety of part-time jobs to finance my education.

HOBBIES:

Martial Arts - 3rd Degree Black Belt in Shaolin Kempo Karate, 1st Degree Black Belt in Kendo; Conflict Simulation Games; Travel; Photography; Modeler of Scale Ship Models; Mountaineering and Backpacking.

REFERENCES:

Furnished upon request.



PALM BEACH COUNTY BAR ASSOCIATION

ESTABLISHED 1922

SUITE 302 EAST
1601 BELVEDERE ROAD
WEST PALM BEACH, FL 33406-1554
TELEPHONE: (561) 687-2800 FAX: (561) 687-9007
www.palmbeachbar.org
e-mail: info@palmbeachbar.org

MICHAEL J. NAPOLEONE
PRESIDENT
JOHN M. HOWE
PRESIDENT ELECT
C. WADE BOWDEN
ROBIN I. BRESKY
JASON J. GUARI
THEODORE S. KYPREOS
JAMES G. PRESSLY III
ADAM T. RABIN
JILL G. WEISS
JOHN R. WHITTLES
DIRECTORS

PATIENCE A. BURNS, CAE
EXECUTIVE DIRECTOR

REPLY TO:

June 9, 2011

ALLISON L. KAPNER
YOUNG LAWYERS SECTION PRESIDENT
EDWARD D. REAGAN
NORTH COUNTY SECTION PRESIDENT
MICHELLE R. SUSKAUER
IMMEDIATE PAST PRESIDENT
GREGORY W. COLEMAN
DAVID C. PRATHER
LISA S. SMALL
MICHELLE R. SUSKAUER
EX OFFICIO MEMBERS - FL BAR BOARD OF GOVERNORS MEMBERS
THEODORE L. DISALVO
EX OFFICIO MEMBER - SOUTH COUNTY BAR ASSOCIATION PRESIDENT

Barbara L. Sullivan, Legal Assistant
Florida Department of Health
800 Clematis St.
West Palm Beach, FL 33401

Dear Barbara:

This is to advise you that the Palm Beach County Bar Association has agreed to reappoint Brian Joslyn to the Environmental Appeal Board.

Should you have any further questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

Patience A. Burns

Patience A. Burns, CAE
Executive Director

PAB:lsH

Attachment # 5

ENVIRONMENTAL APPEAL BOARD DIRECTORY

Authority: Environmental Control Rules I and II

Terms Per Ord 96-28

Appointments are for three (3) years

Updated: May 3, 2011

| Seat ID | Name/address | Telephone | Requirement | BCC Appt'd. | Term | Initial Appt. | Re-Appt. |
|--|---|--|---|-------------|--|---------------|----------|
| 1 | Simon Coleman, P.E. Alan Gerwig & Associates, Inc. 12798 W. Forest Hill Blvd. #204 Wellington, FL 33414 | Ofc: (561) 792-9000 (X 215) Fax: (561) 792-9901 Cell: (561) 543-4846 scoleman@aga-engineering.com | Professional Engineer registered by State of Florida and nominated by Am. Society of Civil Engineers -PB Branch | 5/3/11 | 10/19/10 to 7-27-11 Complete term, plus 3 years to expire 7-26-14 | X | |
| 2 | David J. Colangelo South Florida Water Management District, M.S.C. 7230 3301 Gun Club Road West Palm Beach FL 33406 | Ofc: 682-2843 Fax: Cell: 352-5103 dcolang@sfwmd.gov | Water resource professional employed by SFWMD | 4/1/08 | 4-1-11 to 3-31-14 | | X |
| 3 | Raymond J. Puzzitiello (Vice Chair) 2143 Union Street West Palm Beach, FL 33411 | Home/Ofc: 697-8732 Fax: 697-8733 Cell: 718-4176 ray@puzzitiello.com | Member of Gold Coast Builders Assoc. (formerly HCBA) | 4/7/09 | 4/7/09 to 4-06-12 | X | |
| 4 | Michael Bechtold, P.E. Department of Environ. Protection Southeast District 400 North Congress Avenue, #200 West Palm Beach FL 33401 | Ofc: 681-6682 Fax 681-6760 Cell 281-4898 mike.bechtold@dep.state.fl.us | Drinking Water Engineer employed by the DEP | 3/15/05 | 3-17-11 to 3-16-14 | | X |
| 5 | Brian Joslyn, Esq. (Chair) Casey Ciklin Lubitz, et al 515 N. Flagler Dr., 19 th Floor West Palm Beach FL 33401 | Ofc 820-0351 Fax 820-0389 Email bjoslyn@caseyciklin.com Home 747-6131 Cell – | Attorney nominated by PBC Bar Association | 7/22/08 | 6-28-08 to 7-27-11 | | X |
| Health Department Rep. – Antoine Devonshire, Environmental Public Health, 837-5924, 800 Clematis Street, West Palm Beach, FL 33401 | | | | | | | |

Attachment #

**Environmental Appeal Board
2011**

| Board Member | Hearing Date 2/25/11 | Hearing Date 4/22/11 | Hearing Date 6/17/11 | Hearing Date 8/12/11 | Hearing Date 10/7/11 | Hearing Date 12/2/11 | |
|---------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--|
| C. Campbell S. Coleman | ** | n/a | * | | | | |
| D. Colangelo | * | * | * | | | | |
| R. Puzzitiello | * | * | * | | | | |
| M. Bechtold | * | * | * | | | | |
| B. Joslyn | * | * | * | | | | |

* No meetings due to no requested variances/appeals.

**** NOTE:** Effective 2/10/11 Curt Campbell resigned from the Board – moved out of state.

Effective 5/3/11 Simon Coleman was appointed to the Board to replace C.Campbell's Seat 1

Attachment # 7

Article 17 - Appointed Bodies

Chapter C

Section 3 Development Review Appeals Board

A. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

B. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP; and [Ord. 2007-013]
3. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

C. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

D. Officers; Staff

1. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

2. Staff

PZB staff shall be the professional staff for the DRAB.

E. Meetings

1. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

Section 4 Environmental Appeals Board

A. Establishment

There is hereby established an Environmental Appeals Board (EAB).

B. Powers and Duties

The EAB has the following powers and duties:

1. to hear appeals from certain requirements, interpretations, or determinations of Article 15, HEALTH REGULATIONS, made by the PBCHD or the Environmental Control Officer.

C. Board Membership

1. Qualifications

The EAB shall be composed of five members. The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association.

2. Terms of Office

All EAB members shall serve a term of three years.

D. Officers

1. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

2. Staff

The PBCHD shall be the professional staff of the EAB.

E. Meetings

1. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

Section 5 Environmental Control Hearing Board

A. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

Section 12 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987 to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 17, DECISION MAKING BODIES.

Section 13 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be non-refundable and in the following amounts:
 1. \$100.00 for a single family residence
 2. \$125.00 for all others, including, but not limited to, multiple family, commercial or subdivisions.
 3. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C.
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix C, ECR I - Information Required for an Appeal for an Individual Lot, or Appendix D, ECR II- Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. [Ord. 2005 - 003]
- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal in the following cases:
 1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Article; or
 2. The proposed OSTDS is within five feet of a neighboring lot; or
 3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
 1. Because of special factors, which may include economic factors, the applicant is unable to comply with this Article; and
 2. The OSTDS complies with current construction standards; and
 3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure or building; and
 4. The granting of the appeal is consistent with the general intent, purpose and requirements of PBC laws and ordinances; and

5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.
- I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Article, the EAB must additionally find:
 1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
 2. That satisfactory ground water can be obtained if an individual private well is to be used; and
 3. That all distance and setbacks, soil conditions, water table elevations and other related requirements of this Article and Rule 64E-6, F.A.C., are met; and
 4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Article 15.A.13.I.1; and
 5. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
 6. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
 7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
 8. That the developer has made every reasonable effort to obtain public water and sewer; and
 9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
 10. That onsite, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
 11. That the proposed development will consist of no more than one single family residence per lot; and
 12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.
- J. Provided that the factual findings specified in Article 15.A.13.H and Article 15.A.13.I, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a sanitary sewer under Article 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Article 15.A.13.J, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EABs decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EABs order.

Section 14 Violations, Enforcement Penalties, Inspections

A. Violations, Enforcement and Penalties

It is unlawful for any person to violate any provisions of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.