

Burden of Proof; Evidence and Testimony

The applicant for a FLUM amendment has the burden of proof to show that the amendment is consistent with the Comprehensive Plan, based upon the above criteria. Great weight is given to the recommendation of the professional planning staff, because these determinations are often made based on Comprehensive Plan data and analysis. The type of testimony and evidence that is allowable, relevant and legally sufficient must be credible, factual and relevant to the application. Evidence which is speculative or based on fears about negative future effects is not helpful. Expert opinions and/or testimony, such as from appraisers or planners, although not required, may be very helpful in certain instances. If appealed, the City Council decision on a FLUM amendment is presumed to be correct and will be sustained as long as it is fairly debatable, unless it is shown by a preponderance of the evidence that the amendment is not in compliance with Florida Statutes Chapter 163, Part II.

NOTE: Matters involving land use decisions are dependent on the facts and circumstances of each case. Citizens with specific questions about what **is** or **is not** adequate testimony should consult an attorney.