

SLIDE 22 – Commission meeting

Once the panel has recommended that probable cause exists, and the licensee has been notified of the formal complaint, he or she will request an informal hearing if the facts are not disputed and a formal hearing if any material facts are in dispute. The probable cause members have fulfilled their duties and are excused from the case.

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Formal hearing – Chapter 120

Once the formal hearing has been requested, the DBPR will forward the case to an administration judge.

The administration judge:

- Hears evidence
- Makes findings of facts
- Submits recommended order to the FREC

The hearing officer may issue subpoenas to witnesses for testimony.

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Formal hearing – Chapter 120

The administrative law judge will consider the case and prepare a recommended order with copies delivered to all parties involved.

The order is based on the facts of the case and the applicable laws.

Parties have up to 15 days to file exceptions to the order.

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Final order – Chapter 120

All FREC members, except those who served on the Probable Cause Panel, will serve on the final order panel to consider the recommended order from the administrative law judge.

The FREC may accept the order as is or modify the final order at the discretion of the commission.

Regardless, the final order must be submitted within 90 days of receiving the Recommended Order. F.S 120.569(3)(L)

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Summary suspension – F.A.C. 61J2-24(4)(b)

In cases where there are mitigating circumstances with convincing evidence that the public is in immediate danger from the licensee, the DBPR can issue an emergency **summary suspension**.

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Judicial review – F.S. 120.68(2)(a)

The licensee has 30 days to appeal an FREC final order. The appeal must be filed with the District Court of Appeals.

The appeal does not automatically stay the enforcement of the agency decision.

The FREC or the presiding court may issue a **writ of supercedas**, which stops the enforcement, if the public would not be endangered by that order.