

**Florida Land Use and Environmental Dispute Resolution Act Proceedings**  
**Section 70.51, Fla. Stat.**

**Parties:** Property Owners: *Bayshore Hotel LLC and 3030 Bayshore Properties LLC*  
Governmental Entity: *City of Fort Lauderdale*

**Development Order:** City of Fort Lauderdale Resolution No. 19-113

**Property Location:** 3016 and 3030 Bayshore Drive, Fort Lauderdale, FL 33304

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**Special Magistrate Mediation Report**

The Florida legislature enacted section 70.51, the Florida Land Use and Environmental Dispute Resolution Act, commonly known as FLUEDRA, which mandates that state and local governments first mediate disputes with any landowner who “believes that a development order...is unreasonable or unfairly burdens the use of the owner’s real property” and that “governmental entities shall direct all available resources and authorities to effect fully the obvious purposes and intent of this section in resolving disputes.” § 70.51, Fla. Stat.

Under FLUEDRA a Special Magistrate is required to hold proceedings in an attempt to resolve the dispute and if a resolution is not reached, ultimately hold a hearing to determine whether the governmental entity’s action is unreasonable or unfairly burdens the real property:

The first responsibility of the special magistrate is to facilitate a resolution of the conflict between the owner and governmental entities to the end that some modification of the owner’s proposed use of the property or adjustment in the development order or enforcement action or regulatory efforts by one or more of the governmental parties may be reached. Accordingly, the special magistrate shall act as a facilitator or mediator between the parties in an effort to effect a mutually acceptable solution.

70.51(17)(a), Fla. Stat.

Accordingly, on January 20, 2021, a mediation was held between property owners Bayshore Hotel LLC and 3030 Bayshore Properties LLC (“Owner”) and the City of Fort Lauderdale (“City”), which was open to the public. During the mediation, the public was afforded an opportunity to be heard, the Owner presented a proposed resolution to the City that modified the proposed use of the property and the City responded. Because this was the mediation portion of the Special Magistrate proceedings, I do not have a formal merits-based recommendation at this time.<sup>1</sup> That will come later if the Parties are unable to resolve the

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<sup>1</sup> If a proposed compromise is not accepted by the governmental entity, the parties will return for a hearing, during which I will consider the facts and circumstances set forth in the request for relief and any responses and any other information produced at the hearing in order to determine whether the action by the governmental entity or entities is unreasonable or unfairly

dispute based on the proposal set forth by Owner. As stated during the Mediation, however, I was intrigued by Owner's efforts to accommodate the concerns expressed during the City's original denial and was impressed by both Parties' efforts to reach a proposed resolution. In light of the objectives of FLUEDRA and the proposed resolution set forth by the Owners, I encourage both parties to make the hearing portion of the Special Magistrate proceedings moot and to consider the proposed resolution.

Respectfully submitted,



Hon. Scott J. Silverman

(Retired Judge 11th Judicial Circuit)

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burdens the real property. § 70.51(17)(b), Fla. Stat. Some of the factors to be considered are set forth in section 70.51(18) of FLUEDRA.