

5-10-04

Final Order No. DCA04-GM-121

FILED
2004 JUN 28 P 1:06
DIVISION OF
ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

GREGORY L. STRAND,

Petitioner,

AT

v.

DOAH CASE No. 03-4415GM

DEPARTMENT OF COMMUNITY AFFAIRS
and ESCAMBIA COUNTY,

DRA-CWS

Respondents.

FINAL ORDER

This matter was considered by the Secretary of the Department of Community Affairs ("the Department") following receipt and consideration of a Recommended Order issued by an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings. A copy of the Recommended Order is attached hereto as Exhibit A.

This matter involves a challenge to a comprehensive plan amendment adopted by Escambia County Ordinance No. 2003-45, hereinafter referred to as the "Plan Amendment."

The Department published a notice of intent to find the Plan Amendment "in compliance," as defined in §163.3184(1)(b), FLA. STAT. (2003); and the Petitioners challenged the Plan Amendment, as authorized by §163.3184(9)(a), FLA. STAT. (2003). A formal hearing was conducted by an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings ("DOAH"). Following the hearing, the ALJ

submitted his Recommended Order to the Department. The ALJ recommended that the Department enter a final order determining that the Plan Amendment is in compliance.

No exceptions to the Recommended Order were filed.

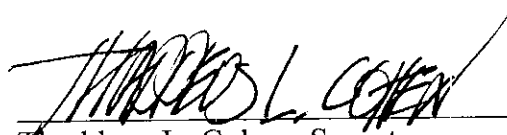
ORDER

Upon review and consideration of the Recommended Order, it is hereby ordered that:

1. The findings of fact and conclusions of law in the Recommended Order are adopted;
2. The Administrative Law Judge's recommendation is accepted; and
3. The Escambia County comprehensive plan amendment adopted by Ordinance No. 2003-45 is determined to be in compliance as defined in §163.3184(1)(b), FLA.

STAT.

DONE AND ORDERED in Tallahassee, Florida.



Thaddeus L. Cohen, Secretary
DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF RIGHTS

ANY PARTY TO THIS FINAL ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW OF THE ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

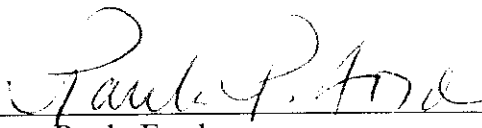
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF

APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU WAIVE YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below this ^{25th} day of June, 2004.



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Agency Clerk

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