

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

FILED
2009 OCT - 1 A 10:51
DIVISION OF
ADMINISTRATIVE
HEARINGS

MICHAEL SWERDLOW, ROBERT
RICH, JOHN WILLIS, and MORTON
DUNNING,

Petitioners,

DOAH Case No. 06-2885GM

v.

DEPARTMENT OF COMMUNITY
AFFAIRS and ISLAMORADA
VILLAGE OF ISLANDS,

Respondents,

and

MM 82.7 REALTY TRUST,

Intervenor.

FINAL ORDER

An Administrative Law Judge (ALJ) of the Division of Administrative Hearings has issued a Recommended Order and closed the file in this proceeding.

BACKGROUND

This matter involves a challenge to a small scale comprehensive plan amendment adopted by Islamorada, Village of Islands ("Islamorada") Ordinance No. 06-11 on May 25, 2006 ("Amendment"). The Department reviewed the Amendment, pursuant to Section 163.3187(1)(c) i.e., Florida Statutes, and on July 7, 2006, published a Final Order finding the Amendment consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern codified in Section 380.0552(7), Florida Statutes ("Guiding Principles").

FINAL ORDER NO. DCA09-GM-334

On July 28, 2006, the Petitioner challenged the Amendment by filing a Petition for Formal Administrative Hearing with the Department pursuant to Sections 120.569 and 120.57, Florida Statutes. The Department forwarded the Petition to the Division of Administrative Hearings. On August 6, 2007, the Administrative Law Judge issued a Recommended Order recommending that the Department find the Amendment consistent with the Guiding Principles. On September 15, 2009, the Petitioners, the Department, Islamorada, and the Intervenor filed a Joint Stipulation of Voluntary Dismissal With Prejudice.

Given that the Parties have filed a Joint Stipulation of Voluntary Dismissal With Prejudice, there are no pending issues in this proceeding.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, and the comprehensive plan amendment adopted by Islamorada, Village of Islands Ordinance Number 06-11, is determined to be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern codified in Section 380.0552(7), Florida Statutes.

DONE AND ORDERED in Tallahassee, Florida.



Shaw Stiller, General Counsel
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF RIGHTS

EACH PARTY IS HEREBY ADVISED OF ITS RIGHT TO SEEK JUDICIAL REVIEW

FINAL ORDER NO. DCA09-GM-334

OF THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

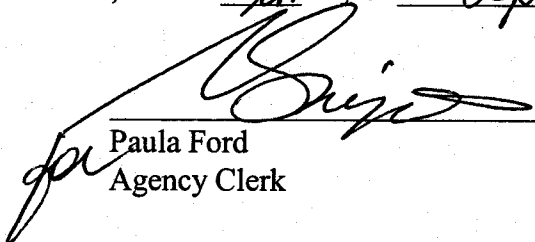
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED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

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 30th day of Sept., 2009.



Paula Ford
Agency Clerk

U. S. Mail:

T. Kent Wetherell, II
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Appalachee Parkway
Tallahassee, Florida 32399

Joseph H. Serota, Esq.
Weiss, Serota, Helfman,
Pastoriza, Cole & Boniske, P.L.
2525 Ponce De Leon Boulevard
Suite 700
Coral Gables, Florida 33134

Jeffrey S. Bass, Esq.
Shubin & Bass, P.A.
46 S.W. 1st Street
Third Floor
Miami, Florida 33130

Charles S. Siemon, Esq.
Siemon & Larsen
433 Plaza Real
Boca Raton, Florida 33432

Hand Delivery:

Richard E. Shine, Esq.
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100