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STATE OF FLORIDA
ADMINISTRATION COMMISSION

DIVISION OF
ADMINISTRATIVE
HEARINGS

JENNIFER COCHRAN,

Petitioner,

vs.

AC Case No. ACC-08-002
DOAH Case No. 07-5779GM

CITY OF CRESTVIEW,

Respondent,

and

B & H CONTRACTING, INC.

Intervenor.

FINAL ORDER

This cause came before the Governor and Cabinet, sitting as the Administration Commission ("the Commission") on July 29, 2008, upon the Recommended Order entered pursuant to Sections 163.3187(3) and 120.57(1), Florida Statutes (2007), in the Division of Administrative Hearings ("DOAH") Case No. 07-5779GM. Accordingly, the Commission, pursuant to Section 163.3187(3)(b), Florida Statutes (2007), must take final agency action on the Recommended Order issued by DOAH, attached as Exhibit "A." For the reasons stated below and upon review of the record, the Commission adopts the Findings of Fact and Conclusions of Law set forth in the Recommended Order.

1. The issue for the Commission's review is whether the small scale development amendment, as that term is defined in Section 163.3187(1)(c), Florida Statutes (2007), to the City of Crestview's Future Land Use Map adopted in Ordinance No. 1370 is in compliance with

Florida's Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161, Florida Statutes (2007), *et. seq.*

2. The Division of Administrative Hearings (DOAH) recommends that the Commission finds the small scale amendment not in compliance. The parties have also requested that the Commission adopt the Recommended Order and find the small scale amendment not in compliance through their submission of a stipulated proposed final order, attached as Exhibit "B."

3. No party filed exceptions to the Recommended Order. By not filing exceptions, the parties have "expressed [their] agreement with, or at least waived any objection to, [the] findings of fact." Env'tl. Coalition of Fla., Inc. v. Broward County, 586 So. 2d 1212, 1213 (Fla. 1st DCA 1991); see also Couch v. Comm'n on Ethics, 617 So. 2d 1119 (Fla. 5th DCA 1993).

4. The Commission's scope of review of the Findings of Fact and Conclusions of Law in the Recommended Order is governed by Section 120.57(1)(l), Florida Statutes (2007).

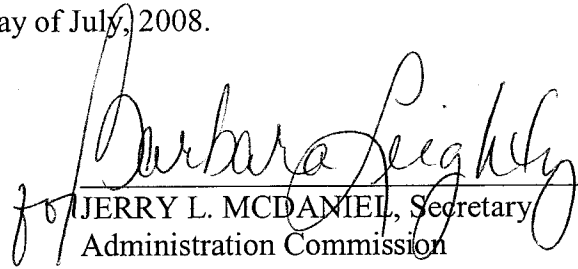
WHEREFORE, the Commission hereby adopts and incorporates by reference DOAH's Recommended Order;

It is therefore ORDERED and ADJUDGED that: the amendment is not in compliance with Florida's Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161, Florida Statutes (2007), *et. seq.*

NOTICE OF RIGHTS

Any party to this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes (2007), by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, the Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the day this Final Order is filed with the Clerk of the Commission.

DONE AND ORDERED this 30th day of July, 2008.


JERRY L. MCDANIEL, Secretary
Administration Commission

FILED with the Clerk of the Administration Commission on this 30th day of July,
2008.


Clerk, Administration Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the following persons by United States Mail or hand delivery this 30th day of July, 2008.

Honorable Charlie Crist
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Honorable Alex Sink
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Honorable Bill McCollum
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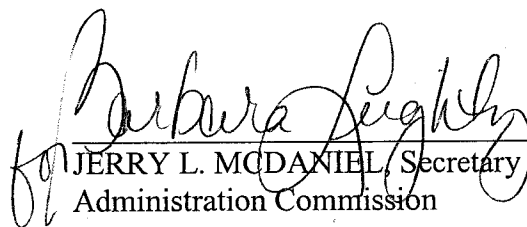
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