

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

FILED
2009 AUG 21 A 10:38
DIVISION OF
ADMINISTRATIVE
HEARINGS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

vs.

Case No. 08-1041GM

HERNANDO COUNTY,

Respondent.

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File in this proceeding. A copy of the Order is attached to this Final Order as Exhibit A.

BACKGROUND

This is a proceeding to determine whether the Hernando County Comprehensive Plan Amendment 07-2, adopted by Ordinance No. 2007-24 on December 12, 2007, as remediated by Comprehensive Plan Amendment 09-R1, adopted by Ordinance No. 2009-03, on May 12, 2009, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

All parties to this proceeding entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments. The County adopted the remedial amendments

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and the Department subsequently published its Cumulative Notice of Intent to find the Plan Amendment and the Remedial Amendment to be "in compliance" with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.

A petition for hearing by Brooksville Quarry, LLC, was filed on July 15, 2009, pursuant to Section 163.3184(9), Florida Statutes, and assigned Case No. 09-3746GM. The Brooksville Quarry, LLC, petition challenged the Department's in compliance finding for the Hernando County remedial amendment adopted by Ordinance 2009-03. On August 3, 2009, a Notice of Hearing for Case No. 09-3746 was entered for September 1 and 2, 2009.

On August 10, 2009, Brooksville Quarry, LLC, filed a Notice of Voluntary Dismissal without Prejudice. An Order entered August 11, 2009, canceled the hearing set for September 1 and 2, 2009, and relinquished jurisdiction for Case No. 09-3746GM back to the Department for entry of a Final Order. No disputed issues remain to be resolved in Case No. 08-1041GM, and the time for filing a petition has expired.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, and the Agency Clerk is directed to close the file.

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DONE AND ORDERED this day in Tallahassee, Florida.



Shaw P. 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 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.

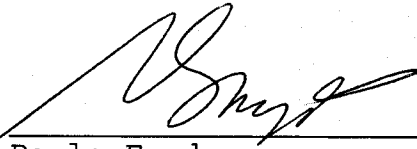
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished by U.S. Mail to each of the persons listed below on this 20th day of August, 2009.



Paula Ford
Agency Clerk



By U.S. Mail

The Honorable Bram D. E. Canter
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
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Tallahassee, Florida 32399-3060

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By Hand Delivery

Lynette Norr
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