

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

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

HERNANDO COUNTY, HERNANDO  
COUNTY SCHOOL BOARD, and CITY  
OF BROOKSVILLE,

Petitioners,

vs.

Case No. 08-1549GM

DEPARTMENT OF COMMUNITY  
AFFAIRS,

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 public schools interlocal agreement (ILA) entered into by Hernando County, Brooksville, and Hernando County School Board, DCA docket no. 27-01, is consistent with the minimum requirements of Sections 163.31777(2) and (3), Florida Statutes, and the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

FINAL ORDER NO. DCA09-GM-292

All parties to this proceeding entered into a Stipulated Settlement Agreement resolving the issues in this case through the provision of additional data and analysis. The Department subsequently published its Notice of Intent to find the ILA, DCA docket no. 27-01, consistent with the minimum requirements of Sections 163.31777(2) and (3), Florida Statutes, and the Act.

A petition for hearing by Brooksville Quarry, LLC, was filed on May 21, 2009, pursuant to Section 163.3184(9), Florida Statutes, and assigned Case No. 09-2833GM. The Brooksville Quarry, LLC, petition challenged the Department's ILA consistency determination.

On August 10, 2009, Brooksville Quarry, LLC, filed a Notice of Voluntary Dismissal without Prejudice. An Order entered August 11, 2009, relinquished jurisdiction for Case No. 09-2833GM back to the Department for entry of a Final Order. No disputed issues remain to be resolved in Case No. 08-1549GM, 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.

FINAL ORDER NO. DCA09-GM-292

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 the manner indicated 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  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Geoffrey Kirk  
Assistant County Attorney  
Hernando County  
20 North Main Street, Suite 462  
Brooksville, Florida 34601-2850

Thomas S. Hogan, Jr.  
City Attorney  
The Hogan Law Firm  
20 South Broad Street  
Brooksville, Florida 34601

Paul Carland, General Counsel  
Hernando County School Board  
919 North Broad Street  
Brooksville, Florida 34601

**By Hand Delivery**

Lynette Norr  
Assistant General Counsel  
Department of Community Affairs