STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SUSAN WOODS AND KAREN LYNN RECIO,

Petitioners,

vs.

Case No. 08-1576GM

MARION COUNTY and DEPARTMENT OF COMMUNITY AFFAIRS,

Respondents,

and

AUSTIN INTERNATIONAL REALTY, LLC, CASTRO REALTY HOLDINGS, LLC, and HALCYON HILLS, LLC,

Intervenors.

RECOMMENDED ORDER

A final administrative hearing was held in this case in Ocala, Florida, on October 29 and 30, 2008, before J. Lawrence Johnston, Administrative Law Judge of the Division of Administrative Hearings (DOAH).

APPEARANCES

For Petitioners: Susan Woods, pro se
7323 Northwest 90th Avenue
Ocala, Florida 34482

Karen Recio, pro se
8650 Northwest 63rd Street
Ocala, Florida 34482

For Respondent Department of Community Affairs:

Leslie E. Bryson, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

For Respondent Marion County:

Thomas L. Wright, Esquire
Marion County Attorney
601 Southeast 25th Avenue
Ocala, Florida 34471-9109

For Intervenors: Bryce W. Ackerman, Esquire
Steven H. Gray, Esquire
Gray, Ackerman & Haines, P.A.
125 Northeast 1st Avenue, Suite 1
Ocala, Florida 34470

STATEMENT OF THE ISSUE

The issue in this case is whether comprehensive plan future land use map amendment (FLUMA) 07-L25, adopted by Marion County Ordinance 07-31 on November 20, 2007, which changed the FLUM designation on 378 acres of Urban Reserve and on 17.83 acres of Rural Land to Medium Density Residential, is "in compliance," as defined in Section 163.3184(1)(b), Florida Statutes.[1]

PRELIMINARY STATEMENT

The Department of Community Affairs (DCA, or Department) reviewed the FLUMA and published a notice of intent (NOI) to find the Amendment "in compliance." On March 14, 2008, Susan Woods and Karen Lynn Recio filed a Petition for Administrative Hearing (Petition) challenging the FLUMA and the NOI. The Petition was referred to DOAH, and a final hearing was scheduled for October 29-31, 2008. On May 6, 2008, Austin International, LLC,

Castro Realty Holdings, LLC, and Halcyon Hills, LLC, owners of the property subject to the FLUMA, were granted leave to intervene.

At the outset of the final hearing, DCA announced that it had changed its position on the FLUMA and would join Petitioners in asserting that the FLUMA was not "in compliance" because of inconsistency with provisions of Marion County's Comprehensive Plan and the lack of an adequate demonstration of need. DCA stipulated that non-compliance would have to be proven beyond fair debate under Section 163.3184(9)(a), Florida Statutes.

The parties then had Joint Exhibits 1-5 admitted into evidence.[2]

During their case-in-chief, Petitioners called: Tony Beresford, a resident of Marion County; Mike McDaniel, DCA's Chief of Comprehensive Planning; Robert Pennock, Ph.D., an expert in comprehensive planning employed by DCA; Susan Woods; and Fay Baird, a professional hydrologist. Petitioners' Exhibits 1-7 were admitted in evidence.[3] DCA presented its case-in-chief by cross-examining Mr. McDaniel and Dr. Pennock and by calling Troy Kuphal, the County's Water Resources Manager. DCA Exhibits 1, 3, and 4 were admitted in evidence.[4] Marion County presented no evidence. In their case-in-chief, Intervenors called: Jimmy Massey, Acting Director of the County's Planning Department; Stanley Geberer, an economist and director of the real estate research division of Fishkind & Associates, Inc.;

J. Thomas Beck, Ph.D., an expert in comprehensive planning; Jonathan Thigpen, a traffic engineer employed by Kimley-Horn & Associates; Richard Busche, a surface water management engineer employed by Kimley-Horn & Associates; and Pete Lee, an expert in comprehensive planning. Intervenors' Exhibits 1-5 were admitted in evidence.[5] DCA re-called Mr. McDaniel and Dr. Pennock in rebuttal.

After presenting the evidence, the parties had a Transcript of the final hearing prepared and were given 20 days from the filing of the Transcript to file proposed recommended orders (PROs). The Transcript (in four volumes) was filed on December 22, 2008. On January 8, 2009, the Department's unopposed motion to extend the deadline for filing PROs to January 20, 2009, was granted. The timely-filed PROs have been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

1. The parcel that is the subject of the FLUMA at issue (the Property) is approximately 395.83 acres in size. The existing FLUM designation for 378 acres of the Property is Urban Reserve, and the remaining 17.3 acres are designated as Rural Land. Both designations allow a maximum of 1 dwelling unit per 10 acres. The FLUMA would change the designation of the entire parcel to Medium Density Residential (MDR). MDR generally allows up to four dwelling units per acre. However, Future Land Use Element (FLUE) Policy 12.5.k, which also was adopted as part

of County Ordinance 07-31, limits the maximum density on the Property to two dwelling units per acre.

2. FLUE Policy 12.5.k also requires: that development on the Property "be served by central potable water and central sanitary sewer services available concurrent with development" and be a Planned Unit Development "to address site design, buffering, and access issues"; and that NW 90th Avenue be reconstructed from U.S. Highway 27 north to the north-eastern corner of the Property and that all traffic facility improvements needed at the NW 90th Avenue/U.S. 27 intersection, including signalization if approved by the Florida Department of Transportation, be constructed prior to the issuance of any certificates of occupancy for the Property. Finally, with respect to the 17.3 acres formerly designated as Rural Land, FLUE Policy 12.5.k defers compliance with the County's Transfer of Development Rights (TDR) Program until application for assignment of a zoning classification for the land.

Petitioners' Challenge

3. Intervenors own the Property. Petitioners own property nearby in Marion County. Intervenors and Petitioners commented on the proposed FLUMA between transmittal to DCA and adoption by the County.

4. Petitioners contend:

> a. The FLUMA is not consistent with the stormwater drainage, retention, and management policies contained in Policies 1.1.a. and 1.1.d. of the Natural Groundwater

Aquifer Recharge Sub-Element of the Infrastructure Element of the Comprehensive Plan.

b. MDR is not suitable or compatible with existing and planned development in the immediate vicinity, as required by FLUE Policy 12.3 of the Comprehensive Plan.

c. The Board of County Commissioners failed to evaluate the FLUMA's impact on "the need for the change" as provided in FLUE Policy 12.3 of the Comprehensive Plan.

d. The FLUMA fails to take into account its impact on "water quality and quantity, the availability of land, water and other natural resources to meet demands, and the potential for flooding," as required by Section 187.201(15)(b)6., Florida Statutes.

e. The FLUMA is not consistent with Transportation Policy 1.0 of the Comprehensive Plan, which states: "Marion County shall create and maintain transportation facilities that operate in a safe and efficient manner within an established level of service."

f. The FLUMA is not consistent with the State's Comprehensive Plan in that it does not "ensure that new development is compatible with existing local and regional water supplies," as required by Section 187.201(7)(b)5., Florida Statutes.

g. The FLUMA does not direct development away from areas without sediment cover that is adequate to protect the Floridan Aquifer and does not prohibit non-residential uses within 200 feet of a sinkhole, solution channel, or other karst feature, in violation of FLUE Policy 4.2 of the Comprehensive Plan.

h. The FLUMA does not comply with Section 187.201(7), Florida Statutes, concerning the protection of surface and ground water quality in the State.

Recharge Sub-Element Policy 1.1.a. and d.

5. Policy 1.1 of the Natural Groundwater Aquifer Recharge Sub-Element of the Infrastructure Element of the Marion County Comprehensive Plan provides in part:

> The County's land development regulations shall implement the following guidelines for stormwater management consistent with accepted engineering practices by October 1, 2007:
>
> a. Stormwater retention/detention basin depth will be consistent with the water management district's storm water requirements for Karst Sensitive Areas so that sufficient filtration of bacteria and other pollutants will occur. Avoidance of basin collapse due to excessive hydrostatic pressure in Karst Sensitive Areas shall be given special consideration.
>
> * * *
>
> d. Require the use of swales and drainage easements, particularly for single family residential development in Karst Sensitive Areas.

These are requirements for land development regulations (LDRs); they do not apply to comprehensive plan amendments. In any event, the evidence did not prove that the site is unsuitable for the density allowed under the adopted FLUMA due to karst features.

6. The admissible evidence presented by Petitioners regarding stormwater management in karst topography generally related to flooding problems on the property contiguous to the Property, and to a karst feature referred to as the "63rd

Street Sinkhole," which is located in the general vicinity of the Property.

7. Fay Baird, an expert hydrologist called by Petitioners, testified that the 63rd Street Sinkhole allows stormwater run-off to enter the upper aquifer. Ms. Baird testified generally of the problems and concerns regarding development and stormwater management systems in karst topography. She testified that the Property should be properly inventoried, that specific karst features should be identified, and that any stormwater system designed or developed should take into account karst features to protect against groundwater contamination and flooding. She testified that she had not been on the Property, had not seen or reviewed core borings or other data to determine the depth and nature of the sub-surface, and was not in a position to provide opinions as to whether or not a particular stormwater management system would or could adequately protect against her concerns. Intervenors' expert, Richard Busche, testified that a stormwater management plan like the one recommended by Ms. Baird was being developed.

Compatibility under FLUE Policy 12.3

8. FLUE Policy 12.3 provides in pertinent part:

> Before approval of a future land use amendment, the applicant shall demonstrate that the proposed future land use is suitable, and the County will review, and make a determination that the proposed land use is compatible with existing and planned development in the immediate vicinity . . . .

9. Petitioners argued that the proposed MDR development of the Property is incompatible with surrounding agricultural uses. Actually, the Property is surrounded by a mixture of agricultural and residential uses, including residential subdivisions, a golf course, and scattered large-lot residential and equestrian uses. The properties immediately to the south and east of the Property are developed residential properties and are designated MDR.

10. Before the FLUMA, most of the Property was designated Urban Reserve under the County's Comprehensive Plan. Such land "provides for expansion of an Urban Area in a timely manner." FLUE Policies 1.24.B and 2.18.

11. "For an Urban Reserve Area to be designated an Urban Area, it must be compact and contiguous to an existing Urban Area, and central water and sewer must be provided concurrent with development within the expanded area." FLUE Policy 2.18. The Property is compact and is contiguous to existing Urban Area designated MDR. This indicates that the County already has planned for timely conversion of the Urban Reserve land on the Property to urban uses, including MDR. It also means that the County already has determined that at least certain urban uses, including MDR, are compatible with adjacent agricultural uses.

12. The Property is in the receiving area under the County's Farmland Preservation Policy and TDR Program in FLUE Objectives 13.0 and 13.01 and the policies under those

objectives. This means that the County already has determined that residential density can be transferred to the Property from the Farmland Preservation sending areas to increase residential density up to one dwelling unit per acre. See FLUE Policy 13.6. This would constitute Low Density Residential, which is an urban use under the County's Comprehensive Plan. See FLUE Policy 1.24.A. By establishing the Farmland Preservation Policy and TDR Programs, the County already has determined that Low Density Residential is compatible with adjacent Rural Land. In addition, Low Density Residential clearly is compatible with MDR.

13. Although not raised in the Petition, Petitioners argued that the Urban Reserve and Farmland Preservation eastern boundary was improperly moved west to NW 90th Avenue. However, that change was made prior to the adoption of Ordinance 07-31 and the FLUMA at issue in this case and is not a proper subject of this proceeding.

Demonstration of Need under FLUE Policies 13.2 and 12.3

14. FLUE Policy 13.2 provides:

> The Transfer of Development Rights program shall be the required method for increasing density within receiving areas, unless, through the normal Comprehensive Plan Amendment cycle, an applicant can both justify and demonstrate a need for a Future Land Use Map (FLUM) amendment.

15. FLUE Policy 12.3 provides:

> Before approval of a future land use amendment, . . . the County . . . shall evaluate its impact on:
>
> 1. The need for the change;
> 2. The availability of facilities and services;
> 3. The future land use balance; and
> 4. The prevention of urban sprawl as defined by Rule 9J-5.006(5)(g), Florida Administrative Code.

16. The evidence proved that the County interprets FLUE Policy 12.3 to require need and future land use balance to be assessed within the planning districts it has established. There is no need for additional MDR in the County's Planning District 5, where the Property is located. To accommodate the projected population increase in Planning District 5 by 2010, which is the planning horizon for the County's Comprehensive Plan, an additional 644 dwelling units are needed. There are 1,893 vacant acres of MDR available in Planning District 5. At four units per acre allowed in MDR, the County has an available supply of 7,572 MDR dwelling units in Planning District 5.

17. In the absence of a need in Planning District 5, the County relied on a need demonstration prepared for the Intervenors by Fishkind and Associates.[6] Besides being a County-wide analysis instead of a planning district analysis, the Fishkind analysis assumed a planning horizon of 2015, rather than the 2010 horizon established in the Comprehensive Plan. Finally, the Fishkind analysis applied an allocation factor to

the total projected need for residential use, most of which already is supplied, resulting in a projection of residential far in excess of the incremental need for additional residential land by 2015, much less by 2010.

18. The result of the Fishkind approach was to allocate enough land for residential use to meet the County-wide projected incremental need for additional residential land use for approximately 45 years, which is five times the calculated incremental need for 2015. Even assuming that a County-wide demonstration of need complied with Marion County's Comprehensive Plan, this is much too high an allocation ratio to use to meet the incremental need projected for a 2015 plan, much less for a 2010 plan.

19. The expert for Intervenors, Stanley Geberer, defended the Fishkind analysis in part by stating that it was comparable to demonstrations of need accepted by DCA in other cases. However, there was no evidence that the facts of those other cases were comparable to the facts of this case.

20. Mr. Geberer also asserted that holding the County to its 2010 planning horizon would make it impossible for the County to plan for the future. However, nothing prevents the County from revising its Comprehensive Plan to plan comprehensively for a longer timeframe.

21. There was no evidence of any other circumstances that would demonstrate a need for the FLUMA at issue in this case.

State Comprehensive Plan Policy 187.201(15)(b)6.

22. Petitioners did not prove that the FLUMA fails to take into account its impact on "water quality and quantity, the availability of land, water and other natural resources to meet demands, and the potential for flooding." To the contrary, the evidence was that those items were taken into account as part of the FLUMA. (However, as to the FLUMA's impact on the availability of land to meet demands, see "Demonstration of Need under FLUE Policies 13.2 and 12.3," supra.)

Transportation Element Objective 1.0

23. Transportation Element Objective 1.0 provides:

> Marion County shall create and maintain transportation facilities that operate in an efficient and safe manner within established levels of service.

24. Petitioners presented no expert testimony or admissible evidence that the FLUMA will change established levels of service or result in transportation facilities operating in an unsafe or inefficient manner. Intervenors presented the testimony of Jonathan Thigpen, an expert traffic engineer, who prepared and submitted to the County a Traffic Impact Study and testified that the FLUMA would not change established levels of service or result in transportation facilities operating in an unsafe or inefficient manner. The ultimate need for transportation improvement, such as turn lanes and traffic lights to mitigate the impacts of development under the FLUMA, will be determined at later stages of development.

25. Petitioners suggested that the FLUMA will result in delays caused by additional traffic, frustrate drivers waiting to turn east on U.S. 27, and induce large numbers of them to seek an alternative route to the north through agricultural areas, some of which have inadequate slag roads. However, Petitioners failed to prove that this result is likely.

<u>State Comprehensive Plan Policy 187.201(7)(b)5</u>

26. Petitioners presented no evidence that the designation of MDR on the Property is incompatible with existing local and regional water supplies. The evidence was that adequate local and regional water supplies exist. Even if they did not exist, the consequence would be less development than the maximum allowed by the FLUMA.

<u>FLUE Policy 4.2</u>

27. FLUE Policy 4.2 provides in pertinent part:

> In order to minimize the adverse impacts of development on recharge quality and quantity in high recharge Karst sensitive and springs protection areas, design standards for all development shall be required and defined in the LDRs to address, at a minimum, the following:
>
> * * *
>
> > f. Directing development away from areas with sediment cover that is inadequate to protect the Floridian [sic] Aquifer.
>
> * * *
>
> > h. Prohibiting nonresidential uses within 200 feet of a sinkhole, solution channel, or other Karst feature.

28. This policy sets forth requirements for the content of LDRs, not FLUMAs.

29. Petitioners presented no evidence that sediment cover on the Property is inadequate to protect the Floridan Aquifer or that any non-residential uses would be constructed within 200 feet of a sinkhole, solution channel, or other karst feature under the FLUMA.

30. Marion County has adopted amendments to its Comprehensive Plan to protect springs and karst features.

CONCLUSIONS OF LAW

31. Petitioners and Intervenors have party standing as "affected persons" under Section 163.3184(1)(a), Florida Statutes.

32. Section 163.3184(9), Florida Statutes, provides that when the Department has issued an NOI to find a comprehensive plan amendment to be "in compliance," the amendment "shall be determined to be in compliance if the local government's decision is fairly debatable." In recognition of the local nature of legislative land use decisions, and the Department's expertise on the subject, the "fairly debatable" standard defers not only to the local government's determination, but also to the Department's determination in its NOI. In this case, Petitioners and the Department bear the burden of proving beyond fair debate that the FLUMA is not "in compliance." In addition, to the extent that internal inconsistency is at issue, the

"fairly debatable" standard applies regardless of the Department's NOI. See § 163.3184(10)(a), Fla. Stat.

33. The Florida Supreme Court has held that, under the "fairly debatable" standard, the local government's decision must be upheld "if reasonable persons could differ as to its propriety." Martin County v. Yusem, 690 So.2d 1288, 1295 (Fla. 1997). See also B & H Travel Corp. v. Department of Community Affairs, 602 So.2d 1362 (Fla. 1st DCA 1992), appeal dismissed and rev. denied, 613 So.2d 1 (Fla. 1992).

34. Section 163.3184(1)(b), Florida Statutes, defines "in compliance" to mean:

> consistent with the requirements of ss. 163.3177, when a local government adopts an educational facilities element [sic], 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

35. Section 163.3177(6)(a), Florida Statutes, provides in part:

> The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent

> with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

36. Florida Administrative Code Rule 9J-5.006(2)(c)[7] requires that the FLUE be based on an "analysis of the amount of land needed to accommodate the projected population . . . ."

37. Rule 9J-5.005(2) provides in pertinent part:

> (a) All goals, objectives, policies, standards, findings and conclusions within the comprehensive plan and its support documents, and within plan amendments and their support documents, shall be based upon relevant and appropriate data and the analyses applicable to each element. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue. Data or summaries thereof shall not be subject to the compliance review process. However, the Department will review each comprehensive plan for the purpose of determining whether the plan is based on the data and analyses described in this chapter and whether the data were collected and applied in a professionally acceptable manner.
>
> * * *
>
> (c) Data are to be taken from professionally accepted existing sources, such as the United States Census, State Data Center, State University System of Florida, regional planning councils, water management districts, or existing technical studies.

The data used shall be the best available existing data, unless the local government desires original data or special studies. Where data augmentation, updates, or special studies or surveys are deemed necessary by local government, appropriate methodologies shall be clearly described or referenced and shall meet professionally accepted standards for such methodologies.

* * *

(e) The comprehensive plan shall be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the local government. If the local government chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized. If the local government chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.

1. If the local government chooses to prepare its own estimates and projections, it shall submit estimates and projections and a description of the methodologies utilized to generate the projections and estimates to the Department with its plan when the plan is due for compliance review unless it has submitted them for advance review. If a local government chooses to prepare its own resident and seasonal population estimates and projections, it may submit them and a description of the methodology utilized to prepare them to the Department prior to the time of compliance review. The Department may request additional information regarding the methodology utilized to prepare the estimates and projections.

> 2. The Department will evaluate the application of the methodology utilized by a local government in preparing its own population estimates and projections and determine whether the particular methodology is professionally accepted. The Department shall provide its findings to the local government within sixty days. In addition, the Department shall make available, upon request, beginning on December 1, 1986, examples of methodologies for resident and seasonal population estimates and projections that are deemed by the Department to be professionally acceptable. The Department shall be guided by the Executive Office of the Governor, in particular the State Data Center, in its review of any population estimates, projections, or methodologies proposed by local governments.

38. Section 163.3177(2), Florida Statutes, provides in part:

> Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent . . . .

39. Implementing Section 163.3177(2), Florida Statutes, Rule 9J-5.005(5) requires "Internal Consistency" and subparagraph (a) provides:

> The required elements and any optional elements shall be consistent with each other. All elements of a particular comprehensive plan shall follow the same general format (see "Format Requirements"). Where data are relevant to several elements, the same data shall be used, including population estimates and projections.

40. In this case, Petitioners and the Department proved beyond fair debate that the FLUMA was not based on a

professionally acceptable demonstration of need as required by Section 163.3177(6)(a), Florida Statutes, and Rules 9J-5.006(2)(c) and 9J-5.005(2), or as required by Marion County FLUE Policy 12.3, which makes the FLUMA internally inconsistent with that Policy, as well as with the rest of the Marion County Comprehensive Plan, which is based on a planning timeframe of 2010.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Department determine the FLUMA at issue in this case to be not "in compliance" and take further action as required by Section 163.3184(9)(b), Florida Statutes.

DONE AND ENTERED this 4th day of February, 2009, in Tallahassee, Leon County, Florida.

J. LAWRENCE JOHNSTON
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 4th day of February, 2009.

ENDNOTES

1/ Unless otherwise noted, all statutory references are to the 2008 Florida Statutes.

2/ The Joint Exhibits consisted of Marion County's Comprehensive Plan, the Proposed FLUMA Package, DCA's Objections, Recommendations, and Comments Report, agency comment letters, the Adopted FLUMA Package, and the NOI.

3/ Petitioners' Exhibits 1-6 were admitted in part subject to valid hearsay objections, so their use is restricted by Section 120.57(1)(c), Florida Statutes.

4/ DCA's exhibits were its staff memorandum on the adopted FLUMA, the County's adopted springs protection remedial plan amendment, and DCA's NOI on the County's adopted springs protection remedial plan amendment.

5/ Intervenors' Exhibits 2, 3, and 4 were admitted in part subject to valid hearsay objections, so their use is restricted by Section 120.57(1)(c), Florida Statutes. .

6/ Dr. Beck also testified that need for the FLUMA was demonstrated, but he did not explain the reason for his testimony, other than the Fishkind analysis.

7/ Unless otherwise indicated, all rule references are to the version of the Florida Administrative Code in effect at the time of the final hearing.

COPIES FURNISHED:

Thomas Pelham, Secretary
Department of Community Affairs
2555 Shumard Oak Boulevard, Suite 100
Tallahassee, Florida 32399-2100

Shaw Stiller, General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard, Suite 325
Tallahassee, Florida 32399-2100

Thomas D. MacNamara, Esquire
Marion County's Attorney's Office
601 Southeast 25th Avenue
Ocala, Florida 34471-2690

Leslie E. Bryson, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Karen Lynn Recio
8650 Northwest 63rd Street
Ocala, Florida 34482

Steven H. Gray, Esquire
Gray, Ackerman & Haines, P.A.
125 Northeast 1st Avenue, Suite 1
Ocala, Florida 34470-6675

Susan Woods
7323 Northwest 90th Avenue
Ocala, Florida 34482

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.