

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY  
AFFAIRS,

Petitioner,

vs.

DOAH Case No. 08-5945GM

CITY OF TARPON SPRINGS,

Respondent,

and

CRP – II, TARPON SPRINGS, LLC,

Intervenor.

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**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction of this matter back to the Department of Community Affairs (“Department”). A copy of the Order is attached to this Final Order as Exhibit A.

**BACKGROUND**

This is a proceeding to determine whether the City of Tarpon Springs’ (“City”) Comprehensive Plan Amendment 08-2AR adopted by Ordinance No. 2008-19 on October 7, 2008, and challenged by the Department on November 26, 2008, is “in compliance” with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the “Act”).

The parties entered into a Stipulated Settlement Agreement which required the City to adopt certain remedial amendments. The City adopted the remedial amendments by Ordinance

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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**FINAL ORDER NO. DCA10-GM-109**

No. 2010-15 on June 15, 2010. No party filed a challenge to the remedial amendments adopted by Ordinance No. 2010-15 within the 30-day challenge period. See Fla. Stat. § 163.32465(6). Under the statutory framework of the Alternative State Review Process Pilot Program, the Department does not issue a cumulative notice of intent if a remedial amendment is consistent with Part II, Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. However, pursuant to paragraph 9(a) of the Stipulated Settlement Agreement, the Department agreed to dismiss its Petition and enter a final order finding the plan amendment “in compliance,” if the City adopted the remedial amendments.

Following the City’s adoption of the remedial amendments, the Department filed with the Division of Administrative Hearings a Motion to Relinquish Jurisdiction on August 18, 2010. On August 20, 2010, the Administrative Law Judge granted the Motion. No Exceptions to the Administrative Law Judge’s Order were filed.

**ORDER**

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, the amendment adopted by Ordinance No. 2008-19 as remediated by Ordinance No. 2010-15 is determined to be “in compliance,” and the Agency Clerk is directed to close the file.

DONE AND ORDERED in Tallahassee, Florida.



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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 to the persons listed below in the manner described, on this *30th* day of August, 2010.

  
Paula Ford

Agency Clerk

Florida Department of Community Affairs

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

**U. S. Mail:**

The Honorable Donald R. Alexander  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Shauna Morris, Esq.  
Counsel for City of Tarpon Springs  
Frazer Hubbard Brandt Trask  
& Yacavone, LLP  
595 Main Street  
Dunedin, Florida 34698

Katie Cole, Esq.  
Counsel for Intervenor  
Johnson Pope Bokor Ruppel & Burns LLP  
911 Chestnut St.  
Clearwater, Florida 33756-5643

**Hand Delivery:**

Matthew Davis, Esquire  
Assistant General Counsel  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399