

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

and

DEFENDERS OF CROOKED LAKE,
INC,

Intervenors,

vs.

Case No. 09-2405GM

CITY OF FROSTPROOF,

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 City of Frostproof Comprehensive Plan Amendment 09-1E, adopted by Ordinance Nos. 2008-16, 2008-17, and 2008-18 on January 5, 2009, as remediated by Comprehensive Plan Amendment 10-R1, adopted by

FINAL ORDER NO. DCA 10-GM-223

Ordinance No. 2010-23, on September 13, 2010, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

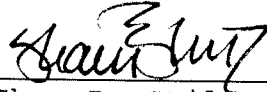
All parties to this proceeding entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments. The County adopted the remedial amendments and the Department subsequently published its Cumulative Notice of Intent to find the Plan Amendment and the Remedial Amendment to be "in compliance" with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.

No affected person, as defined by Section 163.3184(1)(a), Florida Statutes, filed a petition challenging the Cumulative Notice, and the time for doing so has expired.

ORDER

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

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.

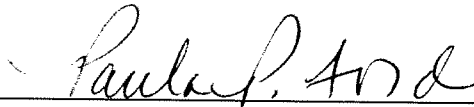
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 in the manner indicated to each of the persons listed below on this 23rd day of November, 2010.



Paula Ford
Agency Clerk

By E-File:

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

By Electronic Mail:

Brian W. Haas
City Attorney, City of Frostproof
P.O. Box 1260
Lake Wales, FL 33859
BrianHaas@aol.com

Tom Schotman, Registered Agent/President
Defenders of Crooked Lake, Inc.
1430 North Crooked Lake Drive
Babson Park, Florida 33827
tbschotman@aol.com

Lynette Norr
Assistant General Counsel
Department of Community Affairs
Lynette.Norr@dca.state.fl.us



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF COMMUNITY)
AFFAIRS,)
)
Petitioner,)
)
and)
)
DEFENDERS OF CROOKED LAKE,)
INC.,)
)
Intervenor,)
)
vs.) Case No. 09-2405GM
)
CITY OF FROSTPROOF,)
)
Respondent.)
_____)

ORDER CLOSING FILE

This cause having come before the undersigned on Petitioner's Motion to Close File and Relinquish Jurisdiction, and the undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. The Motion is granted.
2. The file of the Division of Administrative Hearings in the above-captioned matter is hereby closed and jurisdiction is relinquished to the Agency.

DONE AND ORDERED this 19th day of November, 2010, in
Tallahassee, Leon County, Florida.

D. R. Alexander

D. R. ALEXANDER
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 19th day of November, 2010.

COPIES FURNISHED:

Brian W. Haas, Esquire
Bradley Johnson Law Firm, P.A.
Post Office Box 1260
Lake Wales, Florida 33859-1260

Lynette Norr, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Thomas Schotman
1430 North Crooked Lake Drive
Babson, Florida 33827-9718