

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY

PATRICK F. SMITH and
MARK O'DONNELL,

Petitioners,

v.

Case No. 09-2891GM

TOWN OF LANTANA,

Respondent,

and

PALM BEACH RESORT PARTNERS, LLC,
A Delaware limited liability company,

Intervenor.

FINAL ORDER

On March 10, 2010, an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings entered an Order Closing File in the above captioned case.

BACKGROUND

This is a proceeding to determine whether a small scale plan amendment adopted by Town of Lantana Ordinance No. O-02-2009, on April 27, 2009 (the "Plan Amendment"), is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (2010).

If timely challenged, such a Plan Amendment does not become effective until the Department or the Administration Commission issues a final order determining that the Plan Amendment is in compliance. § 163.3187(3)(b)2, Fla. Stat. (2010). The successor Act, the

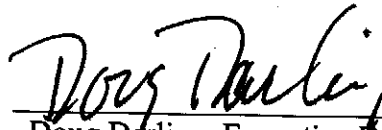
Community Planning Act, also provides that a challenged small scale plan amendment does not become effective until the Department or the Administration Commission issues a final order determining that the Plan Amendment is in compliance. § 163.3187(3)(c), Fla. Stat. (2011).

Effective October 1, 2011, the state land planning agency duties, powers and functions of the Department of Community Affairs were transferred to the Department of Economic Opportunity.

ORDER

WHEREFORE, it is ORDERED that the small scale plan amendment adopted by Town of Lantana Ordinance No. O-02-2009, on April 27, 2009, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (2010), and with the Community Planning Act, Ch. 163, Part II, Florida Statutes (2011).

DONE AND ORDERED in Tallahassee, Florida.



Doug Darling, Executive Director
DEPARTMENT OF ECONOMIC OPPORTUNITY

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, OFFICE OF THE GENERAL COUNSEL - CALDWELL BUILDING, 107 EAST MADISON STREET, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, 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 Economic Opportunity, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 10th day of October 2011.



Miriam Snipes, Agency Clerk
DEPARTMENT OF ECONOMIC OPPORTUNITY
107 East Madison Street, MSC 110
Tallahassee, Florida 32399-4128

By U.S. Mail:

Alfred J. Malefatto, Esquire
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By Hand Delivery:

David L. Jordan, Assistant General Counsel
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, Florida 32399-4128

By Filing with DOAH:

The Honorable D. R. Alexander
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550