

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY)
AFFAIRS,)
)
Petitioner,)
)
vs.)
)
MONROE COUNTY,)
)
Respondent,)
)
and)
)
RUDOLPH AND ROSEANN KRAUSE,)
)
Intervenors.)
)
)

Case No. 09-4153GM

FILED
11 JUN 26 PM 12:27
ADMINISTRATIVE
HEARINGS

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 Monroe County Comprehensive Plan Amendment 10-R1, adopted by Ordinance Nos. 028-2010 and 029-2010 (Remedial Amendment), on October 20, 2010, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

FINAL ORDER NO. DCA 11-GM-018

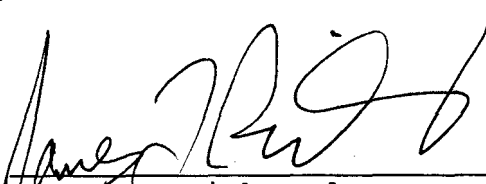
On June 2, 2009, Monroe County (County) adopted Plan Amendment 09-1 by Ordinance No. 018-2009 (Plan Amendment). The Department complied with and completed all general and specific statutory prerequisites and conditions required by § 163.3184, Florida Statutes, and found the Amendment to be not in compliance as set forth in its Statement of Intent dated July 2, 2009.

The Department, the County, and Intervenors Rudolph and Roasanne Krause entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments. On October 20, 2010, 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 other party has filed a petition regarding 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.



James L. Richmond,
Acting 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.

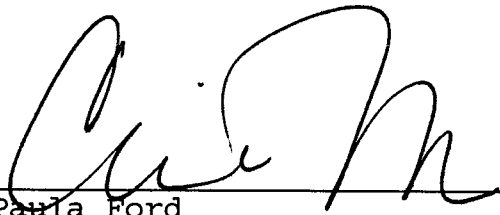
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 U.S. Mail to each of the persons listed below on this 25th day of January, 2011.

for 
Paula Ford
Agency Clerk

By U.S. Mail

The Honorable D. R. Alexander
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
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Tallahassee, Florida 32399-3060

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By Hand Delivery

Richard E. Shine
Assistant General Counsel
Department of Community Affairs