

STATE OF FLORIDA  
DEPARTMENT OF ECONOMIC OPPORTUNITY

DEPARTMENT OF ECONOMIC OPPORTUNITY,

Petitioner,

v.

Case No. 09-4816GM

CITY OF DAYTONA BEACH,

Respondent.

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**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction And Closing File in this proceeding.

**BACKGROUND**

This is a proceeding to determine whether City of Daytona Beach (City) Comprehensive Plan Amendment 09-RWSP1, adopted by Ordinance No. 09-150, on June 3, 2009, is "in compliance" with the Community Planning Act, Ch. 163, Part II, Florida Statutes (2011) (the "Act").

The Department and the City entered into a Stipulated Settlement Agreement which required the City to adopt a certain remedial amendment. The City adopted Remedial Amendment 11-R1 by Ordinance No. 11-239 on October 5, 2011, and the Remedial Amendment was not challenged by a timely petition.


The Department subsequently filed a Motion For Order Relinquishing Jurisdiction. The Administrative Law Judge issued his Order Relinquishing Jurisdiction And Closing File, and relinquished jurisdiction to the Department.

ORDER

WHEREFORE, it is ORDERED that:

- A. Daytona Beach Comprehensive Plan Amendment 09-RWSP1, as modified by Remedial Amendment 11-R1, is determined to be in compliance with the Act, and
- B. The above-captioned proceeding is DISMISSED.

DONE AND ORDERED in Tallahassee, Florida.

  
DEBORAH K. KEARNEY, General Counsel  
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, 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 Development, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 15<sup>th</sup> day of November, 2011.



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

By U.S. Mail and Electronic Mail:

Mr. Benjamin Gross, Esq.  
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David L. Jordan, Assistant General Counsel  
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By Filing with DOAH:

The Honorable J. Lawrence Johnston  
Division of Administrative Hearings  
The DeSoto Building  
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