

Final Order No. DCA11-GM-168

Since one of the Plan Amendments at issue in this proceeding includes an EAR-based amendment, it is subject to the State Coordinated Review Process. § 163.3184(2)(c), Fla. Stat. (2011). 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. § 163.3184(4)(e)5., Fla. Stat. (2011).

On September 11, 2009, the Department issued a Notice of Intent to find the City of Homestead 10-Year Water Supply Facilities Work Plan Amendment “not in compliance.” On October 21, 2009, the Department issued a Notice of Intent to find City’s EAR based comprehensive plan amendment 09-1ER “not in compliance.”

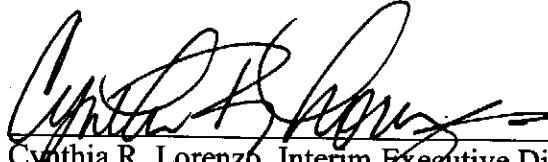
On July 7, 2011, after consolidation of the two cases at the Division of Administrative Hearings, the Department and the City of Homestead entered into a Stipulated Settlement Agreement regarding all disputed issues to both proceedings. On July 26, 2011, the City of Homestead adopted Remedial Amendment 11-R1 by Ordinance No. 2011-07-10. On September 9, 2011, the Department issued a Cumulative Notice of Intent finding the City of Homestead Plan Amendments “in compliance,” and filed a Motion to Relinquish Jurisdiction.

On October 7, 2011, the ALJ issued an Order Relinquishing Jurisdiction and Closing Files to the Department for purposes of issuing a Final Order. § 163.3184(6)(f), Fla. Stat. (2011).

ORDER

WHEREFORE, it is ORDERED that City of Homestead Comprehensive Plan Amendment 09-1ER adopted by Ordinance No. 2009-07-20, and the Comprehensive Plan Amendment for the City’s 10-Year Water Supply Facilities Work Plan adopted by Ordinance No. 2009-07-21, are “in compliance” with the Community Planning Act, Ch. 163, Part II, Florida Statutes (2011).

DONE AND ORDERED in Tallahassee, Florida.



Cynthia R. Lorenzo, Interim 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.

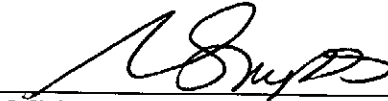
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 107 EAST MADISON STREET, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 29th day of March 2012.



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

By U.S. Mail:

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By Filing with DOAH:

The Honorable J. Lawrence Johnston
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550