

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

STATE OF FLORIDA, DEPARTMENT
OF COMMUNITY AFFAIRS,

Petitioner,

and

1000 FRIENDS OF FLORIDA, INC.,

Intervenor,

vs.

DOAH Case No. 09-6006GM

PALM BEACH COUNTY,

Respondent,

and

FLORIDA CRYSTALS CORPORATION,
OKEELANTA CORPORATION, NEW
HOPE SUGAR COMPANY AND S.D.
SUGAR CORPORATION,

Intervenors.

_____ /

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 Palm Beach County Comprehensive Plan Amendment, adopted by Ordinance 2010-017 on June 24, 2010, rescinding Ordinance 2009-026 with the exception of the definition of an Inland Logistics Center is “in compliance.”

On June 28, 2010, the Department of Community Affairs (“Department”), filed a Notice of Filing Settlement Agreement with the Division of Administrative Hearing. The Department; the Department of Environmental Protection; Palm Beach County, Florida; Florida Crystals Corporation, Okeelanta Corporation, New Hope Sugar Company, S.D. Sugar Corporation (collectively “FCC”); and 1000 Friends of Florida entered into a Settlement Agreement that provided FCC an opportunity to submit an application for a Palm Beach County plan amendment to relocate the Inland Logistics Center.

On July 27, 2010 the Department issued an Amended Notice of Intent finding Ordinance No. 2010-017 “in-compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the “Act”).

On July 29, 2010, Palm Beach County transmitted Item 2.A.1 as part of Amendment Round 10-2 approving FCC affiliate Closter Farm’s application to change the future land use designation for Site “A” from Low Density Residential to Industrial as established by the Future Land Use Element of the County’s Comprehensive Plan. Closter Farm is a Florida Crystals Corporation and the record title holder of alternate Site “A” which was previously identified in the Settlement Agreement as the alternate site for the Inland Logistics Center.

On October 25, 2010, the County adopted Ordinance No. 2010-047 changing the designation of Site “A” as previously identified in the Settlement Agreement as the alternate site

for the Inland Logistics Center from Low Density Residential to Industrial as established by the Future Land Use Element of the County's Comprehensive Plan.

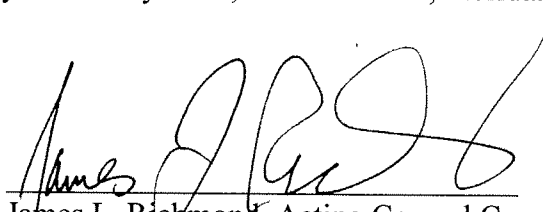
The Department reviewed Ordinance No. 2010-047, determined that it fully address the compliance issues raised in this matter, and on November 22, 2010 issued a Notice of Intent to find Ordinance No. 2010-047 "in compliance" with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.

No affected person, as defined by Section 163.3184(1)(a), Florida Statutes, filed a petition challenging the 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 21th day of January 2011, 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.

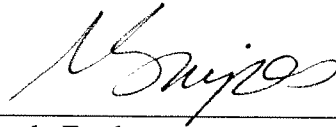
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 or Electronic Mail to each of the persons listed below on this 21st day of January, 2011.



for Paula Ford
Agency Clerk

By U.S. Mail

The Honorable Bram D. E. Canter
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

By Electronic Mail

Amy Taylor Petrick, Esquire
Assistant County Attorney
Palm Beach County
300 North Dixie Highway, Suite 359
West Palm Beach, Florida 33401

Gary K. Hunter, Esquire
Vnette D. Godelia, Esquire
Hopping Green & Sams
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 33301

Richard Grosso, Esquire
Robert N. Hartsell, Esquire
Everglades Law Center, Inc.
Shepard Broad Law Center
3305 College Avenue
Fort Lauderdale, Florida 33314