

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

U.S. FUNDING GROUP, LLC,

Petitioner,

v.

DOAH Case No. 09-6014GM

MANATEE COUNTY and DEPARTMENT  
OF COMMUNITY AFFAIRS,

Respondents,

and

FLORIDA BIOMASS ENERGY, LLC,  
and PATRON HOLDINGS, LLC,

Intervenors.

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**FINAL ORDER**

This cause is before the Department of Community Affairs on a Voluntary Dismissal with Prejudice, a copy of which is appended hereto as Exhibit A.

On August 11, 2009, Respondent Manatee County adopted amendment 09-1 to its comprehensive plan by Ordinance Nos. 09-06 and 09-31 (Amendment). The Department reviewed the Amendment, determined that it met the criteria for compliance set forth in Section 163.3184(1)(b), Florida Statutes, and caused to be published a Notice of Intent to find the Amendment "in compliance." The Department's compliance determination was

challenged by Petitioner U.S. Funding Group, LLC, who petitioned for this administrative proceeding against the County and the Department pursuant to Section 163.3184(9), Florida Statutes.

A final hearing was held April 14-15, and May 3-4, 2010. A recommended order was issued by the Administrative Law Judge on July 28, 2010, and jurisdiction was relinquished to the Department for entry of a Final Order.

On November 24, 2010, Petitioner U.S. Funding Group, LLC, filed a Voluntary Dismissal with Prejudice with the Department. By virtue of this voluntary dismissal with prejudice, the instant controversy has been rendered moot and this proceeding must be dismissed. See Department of Highway Safety & Motor Vehicles v. Heredia, 520 So. 2d 61 (Fla. 3d DCA 1988) (dismissing case on appeal as moot where suspension of driver's license was rescinded by the Department).

**ORDER**

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, the amendment adopted by Ordinance Nos. 09-06 and 09-31 is deemed to be "in compliance," and the Agency Clerk is directed to close the file.

DONE AND ORDERED this day in Tallahassee, Florida.



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Shaw P. Stiller, 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)©) AND 9.110.

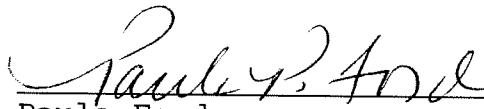
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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. or Electronic Mail to each of the persons listed below on this 8<sup>th</sup> day of December, 2010.

  
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Paula Ford  
Agency Clerk

**By U.S. Mail**

The Honorable Donald R. Alexander  
Administrative Law Judge  
Division of Administrative Hearings  
The Desoto Building  
1230 Apalachee Parkway  
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