

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

v.

Case No. 10-1158GM

BREVARD COUNTY, FLORIDA

Respondent

and

MIAMI CORPORATION AND
SWALLOWTAIL, LLC,

Intervenors.

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings entered an Order Closing File and Relinquishing Jurisdiction in this proceeding on May 2, 2011. A copy of the Order is attached to this Final Order.

BACKGROUND

This is a proceeding to determine whether part of Brevard County's Comprehensive Plan Amendment 09-2ER (Plan Amendment) is in compliance with the requirements of Chapter 163, Part II, Florida Statutes. The Plan Amendment, adopted on December 15, 2009, consisted of two ordinances: 1) 09-36, the EAR-based Amendment; and, 2) 09-37, the Farnton Amendment.

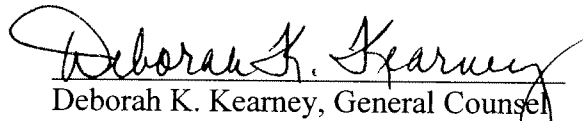
On December 21, 2010, Brevard County rescinded the Farnton Amendment. On February 25, 2011, the Department filed a Partial Stipulated Settlement Agreement (Agreement) in this case which resolved all issues pertaining to the EAR-based Amendment. The Agreement required the County to adopt a Remedial Amendment, among other things.

The County adopted the Remedial Amendment required by the Agreement on March 8, 2011, by Ordinance No.11-09 (amendment cycle 11-R2). On April 1, 2011, the Department published its cumulative Notice of Intent to find the Plan Amendment and the Remedial Amendment "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.


Deborah K. Kearney, 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.

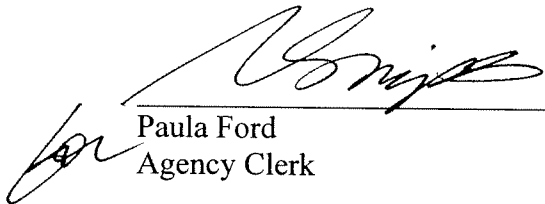
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 17th day of May, 2011.



Paula Ford
Agency Clerk

By U.S. Mail

The Honorable J. Lawrence Johnston
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Eden Bentley, Assistant County Attorney
2725 Judge Fran Jamieson Way, Bldg. A
Viera, FL 32940