

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

SUNSET DRIVE HOLDINGS, LLC,  
And LA SONNA HAYES-TOMANEK,

Petitioners,

v.

Case Nos. 10-1973GM  
10-1980GM

CITY OF LAKE WORTH and  
DEPARTMENT OF COMMUNITY AFFAIRS,

Respondents.

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FINAL ORDER

This matter was considered by the Secretary of the Department of Community Affairs following receipt of a Recommended Order issued by an Administrative Law Judge ("ALJ") of the Division of Administrative Hearings. A copy of the Recommended Order is appended to this Final Order as Exhibit A.

Background and Summary of Proceedings

The City of Lake Worth adopted Evaluation and Appraisal Report Based Amendments to its Comprehensive Plan by adopting Ordinance 2008-25 ("Amendments"). The Department published a Notice of Intent to find the Amendments in compliance, and the Petitioners challenged the Amendments pursuant to section 163.3184(9), Florida Statutes. The final hearing on the allegations in the Petitions was held on January 12, 2011.

The ALJ entered a Recommended Order recommending that the Amendment be found "in compliance." No exceptions to the Recommended Order were filed.

Role Of The Department

The Secretary of the Department must either determine that the Amendment is in compliance and enter a Final Order to that effect, or determine that the Amendment is not in compliance and submit the Recommended Order to the Administration Commission for final agency action. Fla. Stat. § 163.3184(9)(b).

After review of the Recommended Order and the Record, the Secretary accepts the recommendation of the ALJ and determines that the Amendment is in compliance.

ORDER

IT IS THEREFORE ORDERED as follows:

1. The findings of fact and conclusions of law are ADOPTED.
2. The Administrative Law Judge's recommendation is ACCEPTED.
3. The City of Lake Worth Evaluation and Appraisal Report Based Amendments to the City's Comprehensive Plan, adopted by

Ordinance No. 2008-25, are determined to be "in compliance" as defined in Section 163.3184(1)(b), Florida Statutes.

**DONE AND ORDERED** in Tallahassee, Florida.

  
\_\_\_\_\_  
William A. Buzzetti, Secretary  
DEPARTMENT OF COMMUNITY AFFAIRS

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.

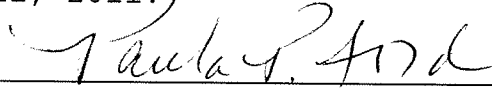
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 to the persons listed below in the manner described, on this 28<sup>th</sup> day of April, 2011.)



Paula Ford, Agency Clerk  
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2555 Shumard Oak Boulevard  
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By Filing At DOAH:

The Honorable D. R. Alexander  
Administrative Law Judge  
DIVISION OF  
ADMINISTRATIVE HEARINGS  
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