

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

and

CONSERVANCY OF SOUTHWEST
FLORIDA, INC.,

Intervenor,

v.

Case No. 10-3175GM

HENDRY COUNTY,

Respondent,

and

THE VIERA COMPANY,

Intervenor.

_____ /

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction and 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 Hendry County Comprehensive Plan Amendment 10-2, adopted by Ordinance 2010-14 on April 13, 2010, is “in compliance” with the Community Planning Act, Ch. 163, Part II, Florida Statutes.

FINAL ORDER NO. DCA 11-GM-150

The Department, the County, and The Viera Company entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments for the 10-2 amendment. The County adopted the 11-2 remedial amendment and the Department subsequently issued a courtesy letter to the County on July 11, 2011, stating that the Department has completed its review of the remedial amendment, the Department has reviewed the amendment in accordance with the expedited state review process, and the Department has identified no provision that necessitates a challenge pursuant to Section 163.3184(3), Florida Statutes.

No further remedial actions were required for the 10-2 amendment to be in compliance. The Conservancy of Southwest Florida has dismissed its petition. The issues raised in this case have been fully resolved. By Order in this case jurisdiction was relinquished to the Department by the Administrative Law Judge, and the DOAH file was closed.

ORDER

WHEREFORE, it is ORDERED that the Hendry County 10-2 Plan Amendment adopted by Ordinance 2010-14 on April 13, 2010, is "in compliance" with the Community Planning Act, Ch. 163, Part II, Florida Statutes.

DONE AND ORDERED this day in Tallahassee, Florida.

A handwritten signature in black ink, appearing to read 'William A. Buzzett', is written over a horizontal line.

William A. Buzzett, 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 by U.S. Mail to each of the persons listed below on this 27th day of July, 2011.



Paula Ford
Agency Clerk
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By U.S. Mail

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