

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

and

CONSERVANCY OF SOUTHWEST
FLORIDA, INC.,

Intervenor,

vs.

DOAH CASE No. 10-3175GM

HENDRY COUNTY,

Respondent,

and

THE VIERA COMPANY and THE
WEST HENDRY PROPERTY OWNERS,

Intervenors.

/

SECOND PARTIAL FINAL ORDER

An Administrative Law Judge of the Division of
Administrative Hearings has entered an Order in this proceeding
relinquishing jurisdiction to the Department of Community
Affairs for final action with respect to Hendry County Ordinance
2010-12. A copy of the Order is attached to this Final Order as
Exhibit A. Filed May 24, 2011 10:17 AM Division of Administrative Hearings

BACKGROUND

This is a proceeding to determine whether the portion of the Hendry County Comprehensive Plan Amendment 10-1ER adopted by Ordinance 2010-12 on April 13, 2010, as remediated by Comprehensive Plan Amendment 11-R1, adopted by Ordinance 2011-02, on March 29, 2011, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

The Department, Hendry County, and Intervenor The Conservancy of Southwest Florida, Inc., and The West Hendry Land Owners have entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments. The County adopted the remedial amendments and the Department subsequently published its Cumulative Notice of Intent to find the portion of the Plan Amendment adopted by Ordinance 2010-12 and the Remedial Amendment adopted by Ordinance 2011-02 to be "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, challenged the Cumulative Notice, and the time for doing so has expired. Accordingly, the Department filed a Motion to Relinquish Jurisdiction of Matters Pertaining to Ordinance 2010-12. The Administrative Law Judge issued an Order

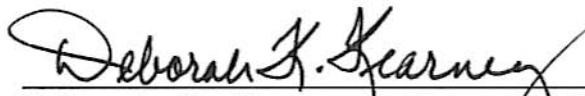
on May 19, 2011, relinquishing jurisdiction for Ordinance 2010-12 to the Department. A copy of the Order is appended hereto as Exhibit A.

The 10-1ER amendments adopted by Ordinance 2010-13 were previously resolved and Final Order No. DCA 11-GM-002 was entered by the Department, but the amendments adopted by Ordinance 2010-14 have not been resolved and are not included in this Second Partial Final Order.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding as it pertains to Ordinance 2010-12 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 the manner indicated to each of the persons listed below on this 24th day of May, 2011.


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

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