

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

v.

Case No. 10-8317GM

CITY OF TITUSVILLE,

Respondent.

_____ /

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File And Relinquishing Jurisdiction in this proceeding. A copy of the Order is attached to this Final Order as Exhibit A.

BACKGROUND

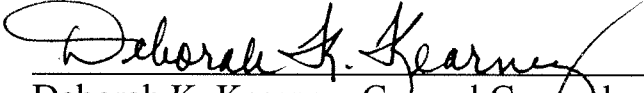
This is a proceeding to determine whether Objective 1.6 and Policies 1.6.1 through 1.6.10 in the Conservation Element of the City of Titusville (“City”) EAR-based amendments adopted by Ordinance No. 5-2010 on June 8, 2010, are “in compliance” with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the “Act”).

The City adopted Ordinance No. 6-2011 which had the effect of rescinding Conservation Element Objective 1.6 and Policies 1.6.1 through 1.6.10, the Department published an Amended Notice of Intent to find the Conservation Element without Objective 1.6 and Policies 1.6.1 through 1.6.10 in compliance, and no challenges to the Amended Notice of Intent were timely filed. The Department filed a Motion To Close File And Relinquish Jurisdiction, and the ALJ then issued his Order Closing File And Relinquishing Jurisdiction.

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 in Tallahassee, Florida.



Deborah K. Kearney, General Counsel
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.

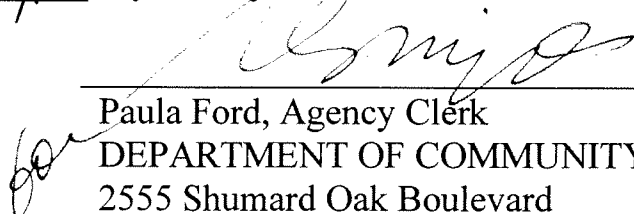
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 9th day of May, 2011.



Paula Ford, Agency Clerk
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

By US Mail and Electronic Mail:

Dwight W. Severs, City Attorney
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By Hand Delivery:

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By Filing at DOAH:

The Honorable David M. Maloney
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