

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

FRIENDS OF CAPE HAZE, INC.,

Petitioner,

vs.

Case No. 10-9457GM

DEPARTMENT OF COMMUNITY
AFFAIRS and CHARLOTTE COUNTY,

Respondents,

and

BOCA NORTE, LLC, and CARIBBEAN
BAY MORTGAGE LENDER, LLC,

Intervenors.

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 Charlotte County (County) Comprehensive Plan Amendment 11-R1, adopted by

FINAL ORDER NO. DCA 11-GM-126

Ordinance 2011-008 on April 19, 2011, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

On September 8, 2010, the Department issued its Notice of Intent to find the City Comprehensive Plan Amendment 10-1 adopted by Ordinance Nos. 2010-033, 2010-034, 2010-036, 2010-039 through 2010-048 "in compliance." Petitioners challenged the 10-1 amendment by filing a Petition for Hearing on September 23, 2010.

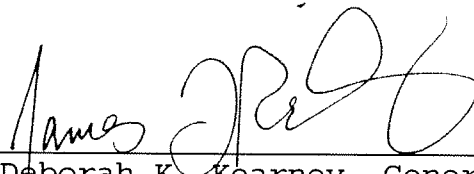
All parties to this proceeding entered into a Stipulated Settlement Agreement which required the City to adopt certain amendments. The City adopted the amendments and the Department subsequently published its Notice of Intent to find the amendments "in compliance" with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.

No affected person, as defined by Section 163.3184(1)(a), Florida Statutes, filed a petition challenging the 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.


for 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.

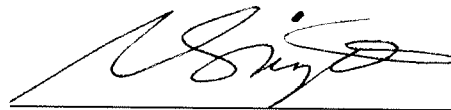
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 as indicated to each of the persons listed below on this 24th day of June, 2011.



Paula Ford
Agency Clerk

By U.S. Mail

The Honorable David M. Maloney
Administrative Law Judge
Division of Administrative Hearings
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By Electronic Mail

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