

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

v.

Case No.: 10-9596GM

CITY OF PALM BAY,

Respondent,

and

CYPRESS BAY FARMS,

Intervenor

_____ /

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings 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 portions of the City of Palm Bay's Comprehensive Plan Amendment 10-2 (Plan Amendment) is in compliance with the requirements of Chapter 163, Part II, Fla. Stat.

The City of Palm Bay (City) adopted the Plan Amendment on July 8, 2010 through a series of ordinances. At issue in this proceeding were Ordinance Nos. 2010-21 (FLU Policy 1.11), 2010-22, 2010-23, 2010-24, 2010-25, 2010-27, 2010-28, and 2010-29.¹ The Department complied with and completed all general and specific statutory prerequisites and conditions

¹ The remaining Ordinances that were part of the 10-2 amendment cycle were found to be in compliance with Chapter 163, Part II, Fla. Stat., as originally adopted on July 8, 2010. Those in compliance ordinances are 2010-21 (excluding FLU Policy 1.11), 2010-26, and 2010-30.

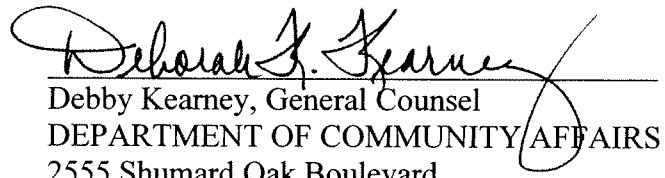
required by § 163.3184, Fla. Stat., and found the above listed Ordinances to be not in compliance as set forth in its Statement of Intent dated July 26, 2010.

The Department and City entered into a Stipulated Settlement Agreement which required the City to adopt certain Remedial Amendments. The City adopted the Remedial Amendments as Ordinance Nos. 2011-10 through 14 on January 20, 2011, in the 11-R1 amendment cycle. On March 15, 2011, the Department published a Cumulative Notice of Intent finding the Plan Amendment and Remedial Amendment to be in compliance with Chapter 163, Part II, Fla. Stat., and Rule 9J-5, Fla. Admin. Code. No party filed a petition regarding the Cumulative 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.


Debby 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

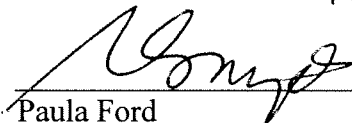
APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

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 U.S. Mail to each of the persons listed below on this 15th day of April, 2011.



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Agency Clerk

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