

**STATE OF FLORIDA  
DEPARTMENT OF ECONOMIC OPPORTUNITY**

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

vs.

DOAH Case No. 10-10528GM

CITY OF APOPKA,

Respondent.

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**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction And Closing File in this proceeding.

**BACKGROUND**

This is a proceeding to determine whether the City of Apopka (City) Comprehensive Plan Amendment 10-2, adopted by Ordinance No. 2171, on September 15, 2010, is "in compliance" with the Community Planning Act, Ch. 163, Part II, Florida Statutes (2011) (the "Act").

The Department of Community Affairs and the City entered into a Stipulated Settlement Agreement which required the City to adopt a certain remedial amendment. The City adopted Remedial Amendment 11-R1 by Ordinance No. 2222 on August 17, 2011, and the Remedial Amendment was not challenged by a timely petition.

The Department reviewed the Remedial Amendment, determined that it fully addressed all compliance issues raised in both matters, and issued a Cumulative Notice of Intent on September 28, 2011 to find the amendments subject to both proceedings, as remediated, in compliance.

**Final Order No. DEO-11-0009**

The Department subsequently filed a Motion For Order Relinquishing Jurisdiction. The Administrative Law Judge issued his Order Relinquishing Jurisdiction And Closing File, and relinquished jurisdiction to the Department of Community Affairs.

Effective October 1, 2011, the state land planning agency duties, powers and functions of the Department of Community Affairs were transferred to the Department of Economic Opportunity.

**ORDER**

WHEREFORE, it is ORDERED that:

- A. City of Apopka Comprehensive Plan Amendment 10-2, as modified by Remedial Amendment 11-R1, is determined to be in compliance with the Act, and
- B. The above-captioned proceeding is DISMISSED.

DONE AND ORDERED in Tallahassee, Florida.



\_\_\_\_\_  
Doug Darling, Executive Director  
DEPARTMENT OF ECONOMIC OPPORTUNITY

**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

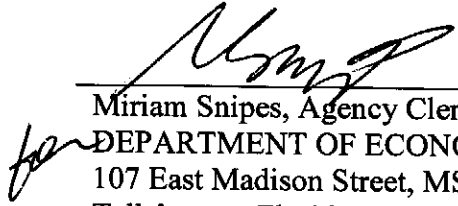
PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

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 Economic Development, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 19<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Miriam Snipes, Agency Clerk  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
107 East Madison Street, MSC 110  
Tallahassee, Florida 32399-4128

By U.S. Mail and Electronic Mail:

COUNSEL FOR THE CITY:

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By Hand Delivery:

Richard E. Shine, Assistant General Counsel  
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By Filing with DOAH:

The Honorable J. Lawrence Johnson  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-1550