

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

SAVE BOCA RATON GREEN SPACE,  
LLC, ROBERT DUKATE, DALE  
RAYMOND, MICHAEL VERGONA  
And CHARLES HELTON

Petitioners,

vs.

DOAH Case No. 11-0166GM

CITY OF BOCA RATON and  
STATE OF FLORIDA, DEPARTMENT  
OF COMMUNITY AFFAIRS,

Respondents,

and

BOCA RATON REGIONAL HOSPITAL,

Intervenor.

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**FINAL ORDER**

This cause is before the Department of Community Affairs on an Order Closing File, a copy of which is appended hereto as Exhibit A.

On December 22, 2010, the Department published its Notice of Intent to find the City of Boca Raton's 10-1 ER amendment to its comprehensive plan, adopted by Ordinance Number 5144, "in compliance" as that term is defined by Section 163.3184(1)(b), Florida Statutes.

On January 10, 2011, Save Boca Raton Green Space, LLC, Robert Dukate, Dale Raymond, Michael Vergona, and Charles Helton

(Petitioners) filed a Petition for Administrative Hearing to the Division of Administrative Hearings. The case was assigned DOAH case number 11-0166GM.

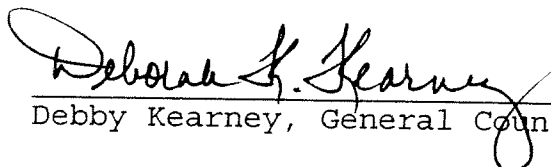
On January 19, 2011, the Department filed a Response to the Initial Order indicating that the Petition was not filed with the Department's Agency Clerk, was unable to perform its review pursuant to Section 120.569(2), Florida Statutes, and did not waive its right to the timely filing of the Petition.

By filing a Notice of Voluntary Dismissal with Prejudice on March 9, 2011, Petitioners requested that their petition for hearing be dismissed. There are no other Petitioners in this case, and, therefore, no disputed issues remain to be resolved. The Florida Supreme Court held that "[a] case is 'moot' when it presents no actual controversy or when the issues have ceased to exist." Godwin v. State, 593 So. 2d 211, 212 (Fla. 1991). A moot case generally will be dismissed. Id.

**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

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)©) AND 9.110.

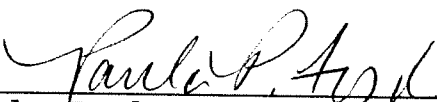
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 15<sup>th</sup> day of March, 2011.

  
\_\_\_\_\_  
Paula Ford, Agency Clerk  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**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

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FINAL ORDER No. DCA11-GM-046

**By Hand Delivery**

Richard E. Shine  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100