

**STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS**

K. RICHARD BLOUNT, RN, AICP,

Petitioner,

v.

Case No. 11-2993GM

ALACHUA COUNTY,

Respondent.

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**FINAL ORDER**

On July 27, 2011, an Administrative Law Judge (“ALJ”) of the Division of Administrative Hearings entered an Order Closing File And Relinquishing Jurisdiction to the Department.

**BACKGROUND**

This is a proceeding to determine whether Alachua County’s Evaluation and Appraisal Report (“EAR”) based comprehensive plan amendment 11-1ER (the “Plan Amendment”) adopted by Ordinance No. 11-01 on April 5, 2011, is “in compliance” with the Community Planning Act, Ch. 163, Part II, Florida Statutes (2011).

Since the Plan Amendment at issue in this proceeding is an EAR-based amendment, it is subject to the State Coordinated Review Process. § 163.3184(2)(c), Fla. Stat. (2011). If timely challenged, such a Plan Amendment does not become effective until the Department or the Administration Commission issues a final order determining that the Plan Amendment is in compliance. § 163.3184(4)(e)5, Fla. Stat. (2011). Since the ALJ relinquished jurisdiction to the Department to take final action, the Department is the appropriate agency to enter this Partial Final Order. § 163.3184(5)(e), Fla. Stat. (2011).

ORDER

WHEREFORE, it is ORDERED that Alachua County Comprehensive Plan Amendment 11-1ER, adopted by Ordinance No. 11-01 on April 5, 2011, is "in compliance" with the Community Planning Act, Ch. 163, Part II, Florida Statutes (2011).

DONE AND ORDERED in Tallahassee, Florida.

  
William A. Buzzett, Secretary  
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 23 day of August 2011.

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

By U.S. Mail:

K. Richard Blount, RN, AICP  
Post Office Box 14642  
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David C. Schwartz, Esq.  
Alachua County Attorney's Office  
Post Office Box 2877  
Gainesville, FL 32602-2877

By Filing with DOAH:

The Honorable Bram D. E. Canter  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-1550