



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

May 20, 2013

Claudia Llado, Clerk of the Division  
State of Florida, Division of  
Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

FILED  
2013 MAY 22 AM 11 11  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Dear Ms. Llado:

**Subject: Jacobs and Solar Sportsystems, Inc. v. Far Niente LLC, Polo Field One, LLC, and South Florida Water Management District, DOAH Case No. 12-1056**

Pursuant to subsection 120.57(1)(m), Florida Statutes, enclosed is a copy of the South Florida Water Management District's Final Order in the above referenced matter. No exceptions to the recommended order were filed.

If you have any questions, please call me at 561.682.6259.

Sincerely,

Joyce B. Rader  
Paralegal Specialist

JBR  
Enclosures

**BEFORE THE SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**

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DISTRICT CLERK'S OFFICE  
MAY 20 2013 2:09 PM

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Charles and Kimberly Jacobs and  
Solar Sportsystems, Inc.,

Petitioners,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

vs.

SFWMD 2013-048-FOF-ERP  
DOAH Case No. 12-1056

Far Niente II, LLC, Polo Field One, LLC, and  
South Florida Water Management District,

Respondents.

**FINAL ORDER**

This matter came before the Executive Director of the South Florida Water Management District on May 20, 2013, for consideration of the Recommended Order issued by the duly-appointed Administrative Law Judge ("ALJ") with the Division of Administrative Hearings ("DOAH") E. Gary Early on April 26, 2013, attached as Exhibit A. Exceptions to the Recommended Order were due by May, 13, 2013. No exceptions were filed. The District's Governing Board delegated the authority to the Executive Director to take final action on permit applications under Part IV of Chapter 373, Florida Statutes. *District's Policies and Procedures, Subsection 101-41(a)*. Therefore, the Recommended Order is before the Executive Director for final agency action.

**THE RECOMMENDED ORDER**

In the Recommended Order the ALJ recommended that the District's final order approve the issuance of Environmental Resource Permit No. 50-00548-S-203 to Far Niente Stables, II, LLC; Polo Field One, LLC; Stadium North, LLC; and Stadium South,

LLC, and include an additional condition. The additional condition requires that the unpermitted yard drains constructed between the stables be permanently capped, and the area graded, to prevent the unauthorized introduction of equine waste from the area to the stormwater management system. Permit No. 50-00548-S-203 is for construction and operation of a surface water management system to serve a 24.1-acre equestrian facility known as the World Dressage Complex in Wellington, Florida. The ALJ concluded that the Applicants provided reasonable assurances that the conditions for issuance of an Environmental Resource Permit have been met. (RO ¶ 100).

### **CONCLUSION**

The case law of Florida holds that parties to formal administrative proceedings must alert reviewing agencies to any perceived defects in DOAH hearing procedures or in the findings of fact of ALJs by filing exceptions to DOAH recommended orders. See, e.g., *Comm'n on Ethics v. Barker*, 677 So. 2d 254, 256 (Fla. 1996); *Henderson v. Dep't of Health, Bd. of Nursing*, 954 So. 2d 77, 81 (Fla. 5th DCA 2007); *Fla. Dep't of Corrs. v. Bradley*, 510 So. 2d 1122, 1124 (Fla. 1st DCA 1987). Having filed no exceptions to certain findings of fact the party "has thereby expressed its agreement with, or at least waived any objection to, those findings of fact." *Env'tl. Coalition of Fla., Inc. v. Broward County*, 586 So. 2d 1212, 1213 (Fla. 1st DCA 1991); see also *Colonnade Medical Ctr., Inc. v. State of Fla., Agency for Health Care Admin.*, 847 So. 2d 540, 542 (Fla. 4th DCA 2003).

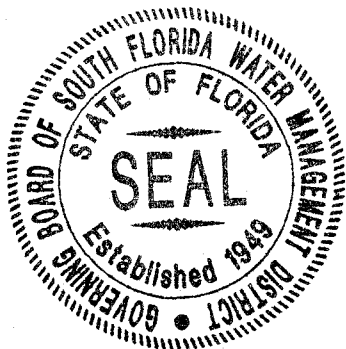
Having reviewed the Recommended Order, considered the applicable law and being otherwise duly advised, it is ORDERED that:

A. The Recommended Order (Exhibit A) is adopted in its entirety and incorporated herein by reference.

B. Permit No. 50-00548-S-203, for construction and operation of a surface water management system to serve a 24.1-acre equestrian facility known as the World Dressage Complex in Wellington, Florida, with the addition of a condition requiring the unpermitted yard drains constructed between the stables to be permanently capped, and the area graded, to prevent the unauthorized introduction of equine waste from the area to the stormwater management system, is approved

C. A Notice of Rights is attached as Exhibit B.

DONE and SO ORDERED, this 20th day of May, 2013 in West Palm Beach, Florida.

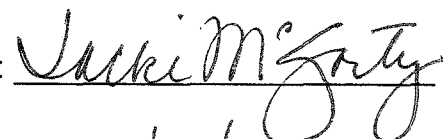


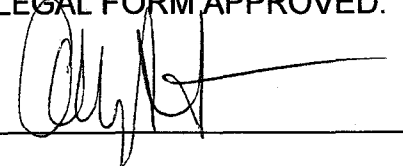
SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,  
BY ITS EXECUTIVE DIRECTOR

  
Melissa L. Meeker

ATTEST:

LEGAL FORM APPROVED:

BY: 

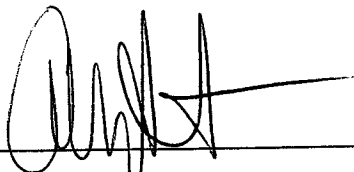
BY: 

DATE: 5/20/2013

DATE: 5/20/13

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Final Order has been furnished  
this 20th day of May, 2013, by U.S. Regular Mail to the following distribution list:



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