

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

NEW TESTAMENT BAPTIST CHURCH,
INCORPORATED OF MIAMI, FLORIDA,

Petitioner,

vs.

Case No. 13-2952GM

TOWN OF SOUTHWEST RANCHES,

Respondent.

_____ /

RECOMMENDED ORDER OF DISMISSAL

This cause came before the Administrative Law Judge on Respondent's Motion to Dismiss in which Respondent contends that the petition for hearing was untimely filed. A response in opposition to the motion was filed by Petitioner.

Petitioner argues that its petition is timely, citing a rule of civil procedure and a case that addresses the rendition of development orders. This case is not governed by the cited rule and does not involve a development order. The filing of a petition to challenge a comprehensive plan amendment is governed by section 163.3184(5)(a), Florida Statutes. That section states a petition must be filed "within 30 days after the local government adopts the amendment." The date of adoption is the date of the second public hearing. See § 163.3184(3)(c), Fla. Stat. (2013). Petitioner did not file its petition within 30

days of the adoption of the amendment it wants to challenge.
Therefore, it is

RECOMMENDED that the Department of Economic Opportunity
dismiss the petition as untimely.

DONE AND ENTERED this 20th day of September, 2013, in
Tallahassee, Leon County, Florida.



BRAM D. E. CANTER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 20th day of September, 2013.

COPIES FURNISHED:

David B. Mankuta, Esquire
Fowler White Boggs
Suite 500
1200 East Las Olas Boulevard
Fort Lauderdale, Florida 33301

Michelle L. Klymko, Esquire
Arnstein and Lehr, LLP
Suite 1700
200 East Las Olas Boulevard
Fort Lauderdale, Florida 33301

Robert N. Sechen, General Counsel
Department of Economic Opportunity
Caldwell Building, MSC 110
107 East Madison Street
Tallahassee, Florida 32399-4128

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.