

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

PETER BOWERS,

Petitioner,

DOAH CASE NO.: 17-6303GM
DEO No.: Marion County 17-4DRI

vs.

MARION COUNTY, FLORIDA,

Respondent,

and

GOLDEN OCALA EQUESTRIAN LAND, LLC;
ET AL

Intervenors.

FILED
2018 MAR 20 AM 10:52
DIVISION OF ADMINISTRATIVE HEARINGS

FINAL ORDER

This matter was considered by the Director for the Division of Community Development, within the Department of Economic Opportunity (“Department”), following receipt of an Amended Order Closing File and Relinquishing Jurisdiction (“Closing Order”), a copy being attached as Exhibit “A”, issued by an Administrative Law Judge (“ALJ”) of the Division of Administrative Hearings (“DOAH”).

Background

This action was brought pursuant to section 163.3184, Florida Statutes (2017), to determine whether large-scale amendments (the “Plan Amendments”) to the Comprehensive Plan for Marion County, Florida, adopted by Ordinance No. 17-28 on October 17, 2017, are “in compliance” as defined in section 163.3184(1)(b), Florida Statutes.

The Plan Amendments were adopted pursuant to the state coordinated review process established in Chapter 163.3184(4), Florida Statutes.

On November 16, 2017, Petitioner, Peter Bowers, timely filed a petition with DOAH challenging the Plan Amendments. The Department was not a party to the proceeding. Marion County, Florida, was

listed as a Respondent in the proceeding. Later, Golden Equestrian Land, LLC, and related entities (“Intervenors”) intervened in the proceeding.

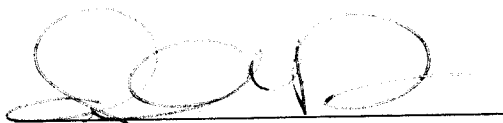
On December 15, 2017, the Department issued its Notice of Intent (the “NOI”) to find the Plan Amendments in compliance, a copy being attached hereto as Exhibit “B”. The NOI provides that if a timely petition challenging the Plan Amendments was filed, the Plan Amendments would not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance, as provided in section 163.3184(4)(e)5., Florida Statutes.

On February 20, 2018, Petitioner, Respondent and Intervenors filed a Joint Stipulation of Dismissal with prejudice indicating that the case had been settled. Thereafter, the ALJ issued its Closing Order pursuant to which it canceled the final hearing, and relinquished jurisdiction of the proceeding to the Department.

ORDER

Based on the foregoing, the Department adopts the dismissal of the Petitioner’s Petition and in accordance with the Department’s previously issued Notice of Intent finds that the Plan Amendments adopted by Marion County, Florida, pursuant to Ordinance No.: 17-28 on October 17, 2017, are in compliance as defined in section 163.3184(1)(b), Florida Statutes.

Dated this 16 day of March 2018.



Julie A. Dennis, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF RIGHT TO APPEAL

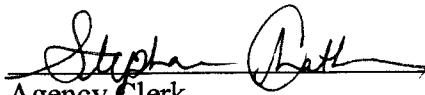
THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION UNDER CHAPTER 120, FLORIDA STATUTES. A PARTY WHO IS ADVERSELY AFFECTED BY FINAL AGENCY ACTION IS ENTITLED TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(B)(1)(c) AND 9.110.

TO INITIATE AN APPEAL OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, WITHIN THIRTY CALENDAR (30) DAYS AFTER THE DATE THIS FINAL AGENCY ACTION IS FILED WITH THE AGENCY CLERK, AS INDICATED BELOW. A DOCUMENT IS FILED WHEN IT IS RECEIVED BY 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 ALSO BE FILED WITH THE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

AN ADVERSELY AFFECTED PARTY WAIVES THE RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH BOTH THE DEPARTMENT'S AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 19th day of March, 2018.



Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

Copies Furnished:

The Honorable Suzanne Van Wyk
Administrative Law Judge
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