

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY

MICHAEL AND MICHELE MCNAIR;
WILLIAM SETLEY; and
TIMOTHY AND TESSIE RINGER,

Petitioners,

v.

GRANDE LAGOON RANCHES
ASSOCIATION, INC.,

Respondent.

DOAH Case Nos. 18-4101
18-4546
18-4547

DEO Case Nos. 18-052
18-050
18-054

DIVISION OF
ADMINISTRATIVE HEARINGS

2019 JUN -6 PM 1:03

FILED

KENNETH AND NANCY JONES; and
DAVID PELLETIER,

Petitioners,

v.

GRANDE LAGOON RANCHES
ASSOCIATION, INC.,

Respondent.

DOAH Case Nos. 18-5668
18-5864

DEO Case Nos. 18-064
18-071

FINAL ORDER

This matter was considered by the Department of Economic Opportunity (“Department”) following receipt of an Order Relinquishing Jurisdiction and Closing File issued by Administrative Law Judge Robert J. Telfer, III, of the Division of Administrative Hearings (“DOAH”) in the consolidated cases above.

These consolidated cases challenged the Department’s determinations with respect to the proposed revitalization of restrictive covenants governing land parcels in two Escambia County, Florida communities: Grande Lagoon Ranches Unit 1 and Unit 2. Specifically, the Department reviewed proposed revitalization documents submitted by Respondent Grande Lagoon Ranches

Association, Inc. ("Grande Lagoon"), pursuant to sections 720.403-720.407, Florida Statutes, and issued DEO Determination Letters 18078 and 18080, approving revitalization as to Unit 1 and Unit 2, respectively. Petitioners are affected parcel owners who individually filed administrative challenges which the Department referred to DOAH.

During the administrative process, the Department sought, and was granted, removal as a party Respondent in each case, as the claims raised by the Petitioners did not implicate the Department in any wrongdoing. As the sole, remaining Respondent, Grande Lagoon maintained that it followed the proper procedure to revive the applicable declarations of restrictive covenants. Petitioners each maintained various claims to the contrary.

Ultimately, Grande Lagoon entered into an agreement with Petitioners Kenneth Jones and Nancy Jones, Timothy Ringer and Tessie Ringer, and William Setley, wherein those parties jointly stipulated to the entry of an order reversing and vacating the Department's approval of the revitalization of covenants for Grande Lagoon Ranches Unit 2. Thereafter, Grande Lagoon entered a written consent to entry of a comparable order regarding the Department's approval of the revitalization of covenants for Grande Lagoon Ranches Unit 1. The presiding Administrative Law Judge relinquished jurisdiction back to the Department for entry of a final order consistent with those filings.


ORDER

Based on the foregoing, the Department of Economic Opportunity hereby:

1. VACATES and RESCINDS Determination Letter 18078 as void ab initio,¹ and DENIES the revitalization of the Proposed Revised Declaration of Covenants and Restrictions for Grande Lagoon Ranches Unit 1, which was the subject of that Determination; and

¹ Determination Letter 18078 is attached and incorporated into this Final Order as Exhibit A.

2. VACATES and RESCINDS Determination Letter 18080 as void ab initio,² and DENIES the revitalization of the Proposed Revised Declaration of Covenants and Restrictions for Grande Lagoon Ranches Unit 2, which was the subject of that Determination.



James Stansbury, Chief
Bureau of Community Planning and Growth
Department of Economic Opportunity

² Determination Letter 18080 is attached and incorporated into this Final Order as Exhibit B.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

May 25, 2018

Charles S. Liberis, Esq.
Liberis Law Firm
212 West Intendencia Street
Pensacola, Florida 32502

**Re: Grande Lagoon Ranches – Unit 1 Nighthawk Lane; Approval;
Determination Number: 18078**

Dear Mr. Liberis:

The Department of Economic Opportunity (Department) has completed its review of the Proposed Revived Declaration of Covenants and Restrictions (Declaration of Covenant) and other governing documents for the Grande Lagoon Ranches – Unit 1 Nighthawk Lane, (Association), and has determined that the documents comply with the requirements of Chapter 720, Part III, Florida Statutes. Therefore, the proposed revitalization of the Association's Declaration of Covenants is approved.

The Association is required to comply with the requirements in sections 720.407(1) - (3), Florida Statutes, including recording the documents identified in section 720.407(3), Florida Statutes, in the county's public records. The revitalized declaration and other governing documents will be effective upon recording. Immediately upon recording the documents in the public records, the Association is required to mail or hand deliver a complete copy of all approved recorded documents to the owner of each affected parcel as provided in section 720.407(4), Florida Statutes.

If you have any questions concerning this matter, please contact the Department of Economic Opportunity, Office of the General Counsel, at (850) 245-7150.

Sincerely,

A handwritten signature in black ink, appearing to read 'James D. Stansbury', is written over a large, light-colored scribble or watermark.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ss/rm

Florida Department of Economic Opportunity | Capital Building | 302 F. Marion Street | Tallahassee, FL 32399
850.245.7105 | www.floridalabs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Exhibit A

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

May 25, 2018

Charles S. Liberis, Esq.
Liberis Law Firm
212 West Intendencia Street
Pensacola, Florida 32502

**Re: Grande Lagoon Ranches – Unit 2 Cannonade; Approval;
Determination Number: 18020**

Dear Mr. Liberis:

The Department of Economic Opportunity (Department) has completed its review of the Proposed Revived Declaration of Covenants and Restrictions (Declaration of Covenant) and other governing documents for the Grande Lagoon Ranches – Unit 2 Cannonade, (Association), and has determined that the documents comply with the requirements of Chapter 720, Part III, Florida Statutes. Therefore, the proposed revitalization of the Association's Declaration of Covenants is approved.

The Association is required to comply with the requirements in sections 720.407(1) - (3), Florida Statutes, including recording the documents identified in section 720.407(3), Florida Statutes, in the county's public records. The revitalized declaration and other governing documents will be effective upon recording. Immediately upon recording the documents in the public records, the Association is required to mail or hand deliver a complete copy of all approved recorded documents to the owner of each affected parcel as provided in section 720.407(4), Florida Statutes.

If you have any questions concerning this matter, please contact the Department of Economic Opportunity, Office of the General Counsel, at (850) 245-7150.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ss/rm

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Exhibit F

NOTICE OF RIGHT TO APPEAL

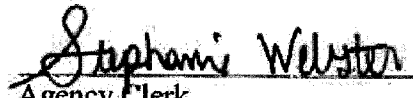
THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION UNDER CHAPTER 120, FLORIDA STATUTES. A PARTY WHO IS ADVERSELY AFFECTED BY FINAL AGENCY ACTION IS ENTITLED TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(B)(1)(C) AND 9.110.

TO INITIATE AN APPEAL ON 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 (30) CALENDAR 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.

NOTICE OF FILING AND SERVICE

I HEREBY CERTIFY that the above Final Order was filed with the Department's undersigned Agency Clerk and that true and correct copies were furnished to the persons listed below in the manner described on the 4th day of April, 2019.



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

By Electronic and U.S. Mail

Rebekah Davis, Esquire
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, Florida 32399
Rebekah.davis@deo.myflorida.com

William Setley
3001 Cannonade Drive
Pensacola, Florida 32506
Wwset1971@yahoo.com

Suzanne Wells
Grande Lagoon Ranches Association, Inc.
Post Office Box 16507
Pensacola, Florida 32507
Calicocat3298@aol.com

Adam Royal, Esquire
Beggs & Lane, RLLP
501 Commendencia Street
Pensacola, Florida 32502
alr@beggslane.com

John A. Fraiser, Jr., Esquire
McDonald Fleming Moorhead
Suite 200
127 Palafox Place
Pensacola, Florida 32502
cnwheeler@pensacolalaw.com

David Charles Pelletier
3404 Nighthawk Lane
Pensacola, Florida 32506
De27@bellsouth.net
David.c.pelletier@navy.mil

By U.S. Mail Only

Timothy Ringer
Tessie Ringer
3024 Cannonade Drive
Pensacola, Florida 32506

Joseph A. Schiller, Esquire
Post Office Box 16507
Pensacola, Florida 32507

Charles Liberis, Esquire
Liberis Law Firm
212 West Intendencia Street
Pensacola, Florida 32502