

2020 MAR -6 PM 2:21
DIVISION OF
ADMINISTRATIVE HEARINGS

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

YACHT CLUB BY LUXCOM, LLC,

Petitioner,

DOAH CASE NO.: 19-4612GM
DEO CASE NO.: 20-052
VILLAGE OF PALMETTO BAY
AMENDMENT NO. 2019-17

vs.

VILLAGE OF PALMETTO BAY,

Respondent.

_____ /

FINAL ORDER

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

Background

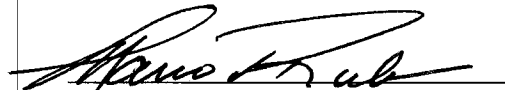
On August 28, 2019, Yacht Club by Luxcom (“Petitioner”) timely filed a petition with DOAH to challenge whether the Village of Palmetto Bay Comprehensive Plan Amendment, adopted by Ordinance No. 2019-17 on July 30, 2019, is “in compliance,” as defined in section 163.3184(1)(b), Florida Statutes. The Village of Palmetto Bay and the Village of Palmetto Bay Council were listed as the Respondents on the petition. However, on October 29, 2019, the ALJ issued an order dismissing the Village of Palmetto Bay Council and amending the caption to include the Village of Palmetto Bay as the only Respondent.

On January 13, 2020, the Petitioner filed a Notice of Voluntary Dismissal, notifying DOAH of its intention to assert its legal rights by an alternative proceeding. On January 14, 2020, the ALJ filed the Closing Order and relinquished jurisdiction to the Department for entry of a final order.

Order

Based on the foregoing, the Department enters this final order determining the Village of Palmetto Bay Comprehensive Plan Amendment, adopted by Ordinance No. 2019-17 on July 30, 2019, is in compliance pursuant to section 163.3184(1)(b), Florida Statutes.

Dated this 4 day of March, 2020.



Mario Rubio, Director
Division of Community Development
Florida Department of Economic Opportunity

NOTICE OF RIGHT TO JUDICIAL REVIEW


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 JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL WITHIN THIRTY (30) CALENDAR DAYS AFTER THE DATE THE FINAL AGENCY ACTION WAS FILED BY THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22, FLORIDA STATUTES. A COPY OF THE NOTICE OF APPEAL MUST ALSO BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, AGENCY.CLERK@DEO.MYFLORIDA.COM. A DOCUMENT IS FILED WHEN IT IS RECEIVED. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(A).

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 Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 5th day of March, 2020.



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

By U.S. Mail

The Honorable Francine M. Ffolkes
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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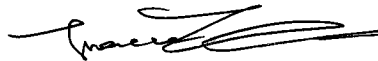
ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause came before the undersigned on Petitioner's Notice of Voluntary Dismissal filed January 13, 2020, and the undersigned being fully advised, it is, therefore,

ORDERED that:

1. The final hearing scheduled for January 29 through 31, 2020, is canceled.
2. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to the Department of Economic Opportunity for entry of a final order.

DONE AND ORDERED this 14th day of January, 2020, in Tallahassee, Leon County, Florida.



FRANCINE M. FFOLKES
Administrative Law Judge
Division of Administrative Hearings
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1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

EXHIBIT "A"

Filed with the Clerk of the
Division of Administrative Hearings
this 14th day of January, 2020.

COPIES FURNISHED:

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