

**STATE OF FLORIDA  
DEPARTMENT OF ECONOMIC OPPORTUNITY**

2020 SEP 14 PM 2:04  
DIVISION OF  
ADMINISTRATIVE HEARINGS

FILED

SAKATA SEED CORPORATION AND  
SAKATA AMERICA HOLDINGS, INC.

Petitioners,

v.

LEE COUNTY, FLORIDA, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA;  
AND TROYER BROTHERS FLORIDA, INC.,

Respondents.

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DOAH CASE NO.: 19-4839GM  
DEO CASE NO.: 20-095  
DEO FINAL ORDER NO.: 20-038

**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 September 13, 2019, Sakata Seed Corporation and Sakata America Holdings, Inc., (“Petitioners”) filed a petition with DOAH to challenge whether the Lee County Comprehensive Plan Amendment 2016-00006, adopted on August 21, 2019, is “in compliance,” as defined in section 163.3184(1)(b), Florida Statutes (2019).<sup>1</sup>

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<sup>1</sup> References to the *Florida Statutes* are to the 2019 version, which was in effect on the date the Ordinance was adopted.

On June 26, 2020, the Petitioners filed a Notice of Voluntary Dismissal, notifying DOAH of its intention to dismiss the petition. On June 26, 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 Lee County Comprehensive Plan Amendment 2016-00006, adopted on August 21, 2019, is in compliance pursuant to section 163.3184, Florida Statutes.

Dated this 10th day of September, 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 10th day of September, 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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