



MEMORANDUM

AGENDA ITEM #6b)2

DATE: AUGUST 3, 2009
TO: EXECUTIVE COMMITTEE
FROM: SAMUEL S. GOREN, ESQ.
SUBJECT: DCA vs. MIAMI-DADE COUNTY UDB LAND USE MAP AMENDMENTS

Please find attached backup information regarding the Florida Department of Community Affairs (DCA) versus Miami-Dade County Urban Development Boundary land use map amendments issue.

Recommendation

For discussion only.

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PLEASE REPLY TO FORT LAUDERDALE

July 15, 2009

Carolyn Dekle, Executive Director
South Florida Regional Planning Council
3440 S. Hollywood Boulevard, Suite 140
Hollywood, FL 33321

RE: South Florida Regional Planning Council ("SFRPC") \ DCA vs. Miami-Dade
County Urban Development Boundary Land Use Map Amendments


Dear Carolyn:

Attached for your review and file is a copy of the Order denying the Motion to Bifurcate Proceeding pending before the State of Florida Administration Commission. As you recall, the two Future Land Use Map Amendments adopted by Miami-Dade County, the "Brown Amendment," and the "Lowe's Amendment" were the subject of the Division of Administrative Hearing Proceeding this year.

At this time, the Recommended Order issued by Administrative Law Judge Cantor is pending before the State of Florida Administration Commission. Apparently, David Brown moved to bifurcate the proceedings; however, the Secretary for the Administration Commission has denied that motion.

If you require any additional information, or have any further questions, please do not hesitate to contact our office.

Sincerely,


Samuel S. Goren
General Counsel

SSG:bb

Attachment

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**STATE OF FLORIDA
ADMINISTRATION COMMISSION**

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

and

KAREN ESTY, BARRY WHITE, NATIONAL
PARKS CONSERVATION ASSOCIATION, and
1000 FRIENDS OF FLORIDA, INC.,

Intervenors,

vs.

AC Case No. ACC-09-003
DOAH Case No. 08-3614GM

MIAMI-DADE COUNTY,

Respondent,

and

DAVID BROWN and LOWE'S HOME CENTERS,
INC.,

Intervenors.

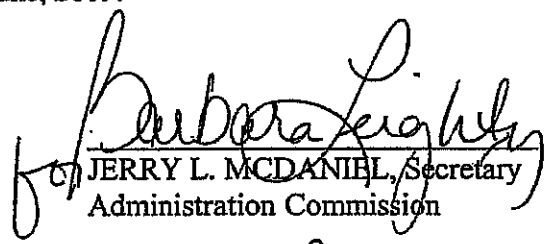
ORDER DENYING MOTION TO BIFURCATE PROCEEDING

This cause came for consideration by the Secretary of the Administration Commission ("Secretary") through Intervenor David Brown's ("Brown") "Motion to Bifurcate Proceeding" ("Motion") filed on May 19, 2009. Brown requests that the Administration Commission ("Commission") bifurcate the case to allow separate consideration of the Future Land Use Map amendments adopted by Miami-Dade County Ordinance No. 08-45 ("Brown Amendment") and Ordinance No. 08-44 ("Lowe's Amendment") and the issuance of separate final orders for the amendments. The Secretary has reviewed the Motion and the subsequent filings regarding the Motion. Pursuant to Rule 28-106.211, Florida Administrative Code, the Commission has the

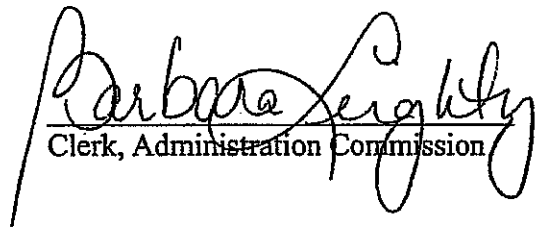
discretion to bifurcate the proceeding. However, in this situation, bifurcation is not appropriate. This entire case will be addressed at the next Commission meeting, thus bifurcation will not result in one of the amendments being heard at an earlier date. As to a possible appeal following the Commission's entry of a final order, the parties can later address that issue if the situation arises.

The Motion is hereby DENIED.

DONE AND ORDERED this 19th day of June, 2009.


for JERRY L. MCDANIEL, Secretary
Administration Commission

FILED with the Clerk of the Administration Commission this 19th day of June, 2009.


Clerk, Administration Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was delivered to the following persons by United States Mail, facsimile, or hand delivery this 19 day of June, 2009.

Honorable Charlie Crist
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Alex Sink
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Honorable Bill McCollum
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Charles H. Bronson
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Thomas G. Pelham, Secretary
Shaw P. Stiller, General Counsel
S. Dean Bunton, Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Honorable Bram D. E. Canter
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

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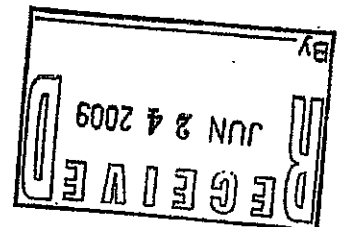
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for Barbara Lightly
JERRY L. MCDANIEL, Secretary
Administration Commission



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PLEASE REPLY TO FORT LAUDERDALE

July 21, 2009

Carolyn Dekle, Executive Director
South Florida Regional Planning Council
3440 S. Hollywood Boulevard, Suite 140
Hollywood, FL 33321

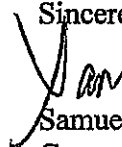
RE: South Florida Regional Planning Council ("Council") \ Department of
Community Affairs vs. Miami-Dade County - Urban Development Boundary
Land Use Plan Amendment

Dear Carolyn:

Attached for your review and file is a copy of the Notice of Meeting dated July 14, 2009. The Notice of Meeting advises the parties involved in the proceeding that the State of Florida Administration Commission will consider the Administrative Law Judges recommended Order on July 28, 2009 at 9:00 a.m. If we receive any additional information regarding this matter, we will advise your office.

If you require any additional information, please do not hesitate to contact our office.

Sincerely,



Samuel S. Goren
General Counsel

SSG:bb

Attachment

CC: Sandra Walters, Chair
Members of the Board

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DAVID BROWN and LOWE'S HOME CENTERS,
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NOTICE OF MEETING

Notice is hereby given that the Governor and Cabinet, sitting as the Administration Commission, will meet to consider the above referenced matter on July 28, 2009, at 9:00 a.m. The Cabinet Aides will meet for a briefing on July 22, 2009, at 9:00 a.m. Both meetings will be held in the Cabinet Meeting Room, Room LL-03, The Capitol, Tallahassee, Florida. A meeting agenda will be forwarded to you.

Questions concerning the meetings should be directed to Barbara Leighty, Administration Commission, Executive Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850) 487-1884.

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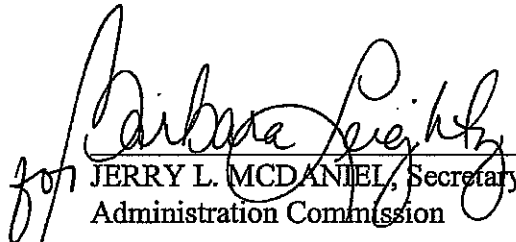
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JERRY L. MCDANIEL, Secretary
Administration Commission