

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BEVERLY STEELE and
NATHANIEL WILLIAMS, JR
Petitioners,

Sumter County Comprehensive Plan Amendment 22-03ESR

v.

Sumter County CP2022-0006

SUMTER COUNTY, FLORIDA,
Respondent.
In re 8G FARMS, LLC

PETITION FOR FORMAL ADMINISTRATIVE HEARING

1. Petitioners, by and through their undersigned counsel, request a formal administrative hearing pursuant to Sections 163.3184, 120.569, 120.57(1), *Florida Statutes*, regarding the adoption of an applicant-generated **Sumter County Comprehensive Plan Amendment 22-03ESR**.

2. The Division of Administrative Hearings has direct jurisdiction over the subject matter and the parties hereto pursuant to sections 120.569, 120.57(1), and 163.3184(5)(a), Florida Statutes.

3. Pursuant to Section 163.3184(5)(a), *Florida Statutes*, the Petitioners hereby timely file within thirty (30) days from the date the adoption (or receipt by DEO when required) this petition for administrative hearing challenging the County's adoption and subsequent adoption transmittal package to DEO of **Sumter County Comprehensive Plan Amendment 22-03ESR**.

SUMTER COUNTY CASE NO.: CP2022-0006

LANDOWNER: Shawn Riordan for 8G Farms, LLC

REQUESTED ACTION: Amend the Future Land Use Map from Agricultural to Industrial on 333 acres

PARCEL NUMBERS: C28-013 and C33-001

LEGAL DESCRIPTION: See Attachment

EXISTING ZONING: A10C (Agricultural) and I (Industrial)

EXISTING USE: Pasture

GENERAL LOCATION: Wildwood area

4. Petitioners Names and Addresses are:

NATHANIEL WILLIAMS, JR, 644 W CR 462, Wildwood, Florida 34785 does not have an email, (352) 303- 8926 who owns and resides on property within a few feet of the subject property and is a resident of the County who objected in writing and in person at the County adoption hearing; and

BEVERLY STEELE, 9066 County Road 231, Wildwood, FL 34785 youngartists@aol.com and thesteeleorg@aol.com 352-603-3409 who is a resident of the County who objected in writing and in person at the County adoption hearing speaking both herself and as a representative of the historic unincorporated African American community of Royal.

For purposes of this proceeding, the address of the Petitioners is that of their undersigned attorney, Ralf Brookes, Esquire, 1217 E Cape Coral Parkway #107 Cape Coral, Florida 33904, RalfBrookes@gmail.com; telephone: (239) 910-5464; fax: (866)341-6086.

5. To have standing to challenge a plan amendment, a person must be an affected person as defined in section 163.3184(1)(a). The Petitioners are each an “affected person” pursuant to Section 163.3184(1)(a), *Florida Statutes*.

6. Petitioners all submitted written and oral objections to the plan amendment at the transmittal or adoption hearing. Petitioners also submitted written and oral comments in person at hearings held on the proposed plan amendment by the Local Planning Agency (LPA), Board of County Commissioners (BOCC) and reviewing state agencies after the plan amendment was originally transmitted by the BOCC. The plan amendments were approved by the Sumter County Board of County Commissioners.

7. Petitioners are affected persons who own and reside on property within the County and will be adversely affected by the proposed comprehensive plan amendment. Petitioners' substantial interests will be adversely affected given that that Petitioners own real property near and proximate to the area subject to the Plan Amendment, and Petitioners share roads, infrastructure, potable water source, as well as air, ground water, and natural resources, including birds and wildlife, with the subject land that is the subject of the Plan Amendment. The comprehensive Plan Amendment is not compatible with Petitioners' existing uses and will adversely affect Petitioners' interests that are protected by the Comprehensive Plan.

8. SUMTER COUNTY is a local government that has the duty to adopt comprehensive plan amendments that comply with the Act pursuant to the requirements of Chapter 163, *Florida Statutes*, and is a political subdivision of the State of Florida, with its principal place of business at 7375 Powell Road, Wildwood, Florida 34785.

9. The State of Florida Department of Economic Opportunity (DEO) address is Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399. The DEO file number assigned by the state to the Proposed Comprehensive Plan Amendment Sumter County Comprehensive Plan Amendment 22-03ESR.

Material Facts In Dispute

Specific Statutes Petitioners Contend Render Plan Amendment Not in Compliance

Disputed Issues of Fact and Law and Ultimate Facts Warranting Finding of Not In Compliance

10. The proposed plan amendment is not in compliance with Chapter 163, Part II (Community Planning Act), *Florida Statutes*, as that term is defined in section 163.3184(1)(b), *Florida Statutes*. The Plan Amendment is not supported by adequate data and analysis, does not react appropriately to the data and analysis, and does not meet the statutory criteria in section 163.3184(1)(b), *Florida Statutes*.

11. Pursuant to Section 163.3177(1) and (2), *Florida Statutes*, a plan amendment must meet internal consistency requirements and the comprehensive plan goals, objectives, and policies must implement the comprehensive plan in an **internally consistent** manner. The Plan Amendment is not supported by and does not meet the statutory criteria.

12. Section 163.3177 (1), *Florida Statutes*, states:

“The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies ***shall guide future decisions in a consistent manner*** and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government’s programs, activities, and land development regulations will be initiated, ***modified, or continued to implement the comprehensive plan in a consistent manner...***”

Section 163.3177(2), *Florida Statutes*, states:

“Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is

relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.”

13. The Comprehensive Plan Amendment fails to recognize historic resources of the historic African American community of Royal, an unincorporated historic enclave within Sumter County. Petitioners have been working closely with the Community of Royal to ensure that this historic African American community maintains its rural character in keeping with its history dating back to the Emancipation Proclamation. Cultural displacement is a concept that describes the process of a culture being physically separated from its roots. Cultural displacement, or the practice of making communities feel unwelcome and alienated in their own neighborhoods, often precedes and perpetuates physical displacement. When residents don't feel a sense of belonging and attachment, a city government is less likely to invest in that community and more likely to perpetuate exclusive public spaces. The community of Royal, through Petitioner Steele, has been working with Smart Growth America because they work to solve huge challenges like climate change, affordable housing, the need for vibrant local economies, or how to affordably connect people to jobs and services requires an interdisciplinary approach across a span of interrelated areas: housing, zoning, planning, land use, economic development, transportation, and others. This past September, Petitioner Steele was invited to conduct a workshop at the Florida Association of Planners' State Conference discussing how we can learn to agree to agree or agree to disagree and still maintain respect for each other and our cultures. Human beings caring and sharing for and about each other. This proposed 'urban sprawl' does not show that caring. In fact, whether you want it to or not; it shows the complete opposite. This is just not characteristic, nor what the original intended land use within our historic community of Royal. Sumter County and the applicant should the honor and

respect the Department of State Agency position that Royal is deemed eligible for a National Historic Registry Listed District.

14. Petitioners allege the Plan Amendment is internally inconsistent with Comprehensive Plan elements, goals, objectives, and policies in violation of section 163.3177(2), Florida Statutes. The proposed Comprehensive Plan Amendment is internally inconsistent with the following policies for the following reasons set forth below:

Policy 1.1.2.a “Focus urban development to areas with appropriate existing or planned centralized water and sewer infrastructure”

Policy 1.1.2.e “Encourage higher densities and intensities of development to be located in Urban Areas, inside the Urban Development Area (UDA) where centralized water and sewer facilities and services are available.”

The data and analysis provided by the applicant and the County staff report and analysis does not include any verification from the City of Wildwood that the subject property is served or planned to be served by the City of Wildwood with centralized water and sewer infrastructure.

Policy 1.1.4 “...In the context of this comprehensive plan, the term “compatible” shall denote the extent to which adjacent or nearby land uses can be established without significant negative impacts or the unreasonable loss of quiet enjoyment of private property...”

This adopted amendment focuses two of the three industrial development areas on the subject property adjacent to C-475 and C-462, which is directly across from agricultural and rural residential areas. This may enhance the external impact to surrounding agricultural and rural residential areas and take from the “quiet enjoyment of private property”.

Policy 1.1.4.e “Developments shall be consistent with the fundamental development pattern of the surrounding neighborhood in scale, mass of buildings, and density/intensity.”

The surrounding density/intensity of development to the subject property is agricultural and rural residential and not near in intensity of development proposed with the adopted industrial future land use amendment. The focus of 2 or 3 industrial development areas on the subject property adjacent to C-475 and C-462 is inconsistent with the existing development pattern on the other sides of these roadways. The County mentions the existing 25 acre Industrial future land use classification on the northwest portion of the subject property as part of the justification. In the information I provided earlier, this was changed to Industrial by the County many years ago in anticipation of an electrical substation to be built on the property. The substation was built on another property, and the County never removed the Industrial future land use from the property.

See, Table 1 – Future Land Uses Maximum Densities and Intensities

The applicant states in their analysis that the Agriculture future land use in The Villages allows a density of 3 du/acre, and therefore the transportation analysis of the subject property should assume potential development at 3 du/acre and not 10 du/acre when comparing the increase of traffic from the change to Industrial. This position by the applicant is incorrect and inconsistent with the County’s densities for the Agricultural future land use. In the County the Agricultural future land use allows for density at 1 du/10 acres or 1 du/5 acres subject to conditions. The Agricultural future land use density of 1 du/3 acres is only allowed outside of the Urban Development Area and developed consistent with the comprehensive plan’s requirements for a conservation subdivision. The Villages is not outside of the UDA and is not developed consistent

with the requirements of a conservation subdivision. In addition, the subject property is within the UDA and is not developed or proposed to be developed consistent with the comprehensive plan's conservation subdivision requirements. Also, the comparison of the subject property to The Villages is a false comparison. Consequently, the use of 1 du/3 acre density for impact calculation is inconsistent with the County's future land use element.

Policy 1.2.10.b "Industrial uses shall be encouraged within the Economic Activity Centers and industrial areas within the Cities."

The designated Economic Activity Center at the SR 44 and I-75 interchange does not extend far enough to the west to include the subject property "within the Economic Activity Centers". The County staff report uses terms like next or near in discussion of the Economic Activity Centers. Next or near is not within.

Policy 1.3.7 "Conversion of agricultural lands to a mixed-use, industrial, commercial or residential future land use category shall demonstrate the following:

- a. The amendment will not result in urban sprawl as defined in Chapter 163, Part II, Florida Statutes;
- b. Availability of public infrastructure, including centralized water and sewer, to serve a more dense or intense use, or will be available at the time of development and is secured under a Developers Agreement;
- c. The proposed use will complement the rural qualities of the community by supporting a diverse and efficient resource-based economy; and
- d. The relationship of the proposed amendment site to the UDA boundary and other

more densely or intensely designated or developed lands.”

Neither the applicant’s analysis nor the County staff report documents the availability of centralized water and sewer services from the City of Wildwood. Also, since there is not available centralized water or sewer services, the policy requires a Developers Agreement to assure services will be available at the time of development. There is no Developers Agreement adopted with the amendment to Industrial. There is no mechanism provided in the applicant’s analysis nor in the County staff report to assure that centralized water and sewer services will be in place to serve the industrial property.

Policy 1.3.9 “The adoption of comprehensive plan map amendments, when the application and approval thereof are based upon lower levels of development intensity than allowable for the future land use category or additional policies are required to appropriately manage the potential impacts, shall require approval of a master plan and memorandum of agreement between the developer and the local governing board. Upon adoption, an overlay shall be placed upon the Future Land Use Map to indicate that the subject parcel is limited in development potential and make referral to the comprehensive plan policies specific to that development.”

The applicant’s analysis refers to this is now a policy constrained amendment. However, this is not a policy constrained amendment. It does not meet any of the requirements of a policy constrained amendment as provided in Policy 1.3.9. If this was a policy constrained amendment consistent with Policy 1.3.9, many of the concerns may have been mitigated with the adoption.

Policy 1.4.6.b PUD Threshold – Industrial projects 50 acres or greater are required to zoned as a PUD.

The subject property was not zoned as a PUD. It was zoned as a straight Industrial zoning, which is non-compliant with Policy 1.4.6.b.

Policy 1.6.1 “...range of commercial and industrial choices, complimentary to the nature of the surrounding community...”

The surrounding density/intensity of development to the subject property is agricultural and rural residential and not near in intensity of development proposed with the adopted industrial future land use amendment. The focus of 2 or 3 industrial development areas on the subject property adjacent to C-475 and C-462 is inconsistent with the existing development pattern on the other sides of these roadways.

Policy 1.6.3.d “New industrial and commercial land uses within a designated utility service area shall connect to available public facilities or have a service agreement with the utility provider addressing future connection”

The subject property is within the City of Wildwood Utility Service Area but is not served nor planned to be served (not documented) with utilities by the City of Wildwood. A service agreement with the City of Wildwood to assure future connection was not provided by the applicant nor the County staff.

Policy 1.7.1 “The development of residential, commercial and industrial land shall be timed and staged in conjunction with provision of supporting public facilities, such as streets, utilities, police and fire protection service, emergency medical service, and public schools.:

Again, there was no documentation provided to assure the provision of water and sewer facilities to the subject property by the City of Wildwood. Also, there was not analysis by the applicant nor the County staff that documented the availability of adequate police, fire, and emergency medical services to serve the significant increase in development intensity potential with the conversion from Agricultural to Industrial.

Policy 1.9.1 “The Future Land Use Map shall direct economic growth and associate land development to areas that minimize the adverse impact on natural resources and ecosystems with special regard to topography, soil conditions, and natural and historical resources.”

Policy 1.9.2 “The County and Cities shall promote the conservation of unique natural and cultural resources during the land development process through land development regulations that serve to protect the quality of natural and historical resources and through the objectives and policies of the Conservation Element.”

Policy 1.9.3 “All developments of more than 20 dwelling units or 15,000 square feet of non-residential space or mining uses shall provide a letter of clearance from the Florida Division of Historical Resources to determine the presence of known historical and/or archaeological resources. If known historical and/or archaeological resources are identified, then the developer shall provide for the appropriate mitigation or avoidance of impacts. If previously unknown cultural (historical or archaeological) resources are identified during land improvement/development, appropriate measures should be taken to protect and document resources. The Florida Division of Historic Resources should be contacted and notified of findings in accordance with FL chapter 872.02.”

The adopted amendment to Industrial is inconsistent with Policies 1.9.1, 1.9.2, and 1.9.3. The amendment does not “direct economic growth and associated land development to areas that minimize the adverse impact on.... historical resources.” The adopted amendment does the opposite. It encourages development within an area with numerous documented and unique and special historical resources without concern for the adverse impact on these historical resources. There was no historical assessment or evaluation provided by the applicant nor the County staff. There was no coordination with the Florida Division of Historic Resources by the applicant or County staff. There is no proposed mitigation for any impacts.

15. The Applicant has not reacted appropriately to protect Historic Resources and the plan amendment is not in compliance with Florida Statutes Section 163.3177 (6)(a)(3) (f) ”Ensure the protection of natural and **historic resources**” and is not in compliance with Florida Statutes Section 163.3177(8) “Future land use map amendments shall be based upon the following analyses:
b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and **historic resources** on site.” The proposed plan amendment is not in compliance with this statutory requirement.

According to the Florida Master Site File, the proposed amendment area is located within the Community of Royal Historic District (8SM1343), which in April 2022, the Division of Historical Resources found to be eligible for listing in the National Register for Historic Places (NRHP). In addition, there are multiple historic structures in or near the proposed amendment area considered to be contributing resources to 8SM1343. There is also one archaeological site located in the proposed amendment area, the Royal Springs site (8SM76).

There is no data, analysis information or response to the comment about how the proposed project will be sensitive to the Royal Historic Area. The Comprehensive Plan Amendment fails to

recognize historic resources of the historic African American community of Royal, an unincorporated historic enclave within Sumter County.

The community of Royal, through Petitioner Steele, has been working closely with the Community of Royal to ensure that this historic African American community maintains its rural character in keeping with its history dating back to the Emancipation Proclamation. Cultural displacement is a concept that describes the process of a culture being physically separated from its roots. Cultural displacement, or the practice of making communities feel unwelcome and alienated in their own neighborhoods, often precedes and perpetuates physical displacement. When residents don't feel a sense of belonging and attachment, a city government is less likely to invest in that community and more likely to perpetuate exclusive public spaces.

The community of Royal, through Petitioner Steele, has been working with Smart Growth America because they work to solve huge challenges like climate change, affordable housing, the need for vibrant local economies, or how to affordably connect people to jobs and services requires an interdisciplinary approach across a span of interrelated areas: housing, zoning, planning, land use, economic development, transportation, and others.

This past September, Petitioner Steele was invited to conduct a workshop at the Florida Association Of Planners' State Conference discussing how we can learn to agree to agree or agree to disagree and still maintain respect for each other and our cultures. Human beings caring and sharing for and about each other. This proposed plan amendment to Industrial does not show that caring. In fact, whether you want it to or not; it shows the complete opposite. This is just not characteristic, nor what the original intended land use within our historic community of Royal. Sumter County and the applicant should the honor and respect the Department of State Agency position that Royal is deemed eligible for a National Historic Registry Listed District.

16. The Plan Amendment does not react to the available data in an appropriate way, or to the extent necessary, as required by Section 163.3177(1)(f), Florida Statutes, including:

(a) Pursuant to Florida Statutes Section 163.3177(8)

“Future land use map amendments shall be based upon the following analyses:

- a. An analysis of the availability of facilities and services.
- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.”

There is no analysis of compatibility with surrounding rural residential development; there is no verification of utility availability from the City of Wildwood; there is no analysis of potential historic and cultural resources and existing documented Royal historic community.

The "pods" proposed are not providing for a cohesive or coordinated development pattern but result in spreading the impact to the perimeter along C-475 and C-462 adjacent to existing rural residential areas.

The focus of industrial uses is now directly onto CR 475 and CR 462. There may be a decreased in impact to residential on CR 231, but there is an increase in impact to residential on CR 475 and CR 462, which is not addressed.

Despite staff’s assertion, this is not a “policy-specific” amendment. This is a straight amendment to the Comprehensive Plan. It appears they are trying to claim they are implementing a new policy for the Future Land Use Element to place additional restrictions on the development. In 2008, the County adopted an amendment to designate the Monarch Ranch to Industrial, but due to negotiations with DCA, the County had to develop a policy in the Future Land Use Element to

implement additional development restrictions to Monarch Ranch. It appears LPG is trying to claim that is what they are doing.... but it is not. Staff's analysis is incorrect - This is not a policy specific amendment. The reduction to 136 acres is not a policy restriction – the Amendment is a change to the future land use of 333 acres from AGRICULTURAL to INDUSTRIAL use.

Staff's analysis which states 3 units per acre in The Villages has no relationship to this property that is nowhere near The Villages.

FDOT stated that “based on the analysis above and the information provided, the FLUM amendment would significantly increase the trip generation potential of the subject property, and a significant percentage of these trips would be heavy vehicles. In addition, the parcels are located in close proximity to the I-75 at S.R. 44 interchange. The proposed package indicates that sufficient transportation capacity is in place; however, no traffic analysis was included. In addition, all segments of S.R. 93/I-75 currently exceed LOS standards and are projected to exceed LOS standards through the Year 2040 scenario. These segments are classified as SIS. Two segments of S.R. 44 are projected to exceed LOS standards through the Year 2040 scenario as well. Therefore, the proposed amendment is anticipated to significantly adversely impact the SHS or SIS.” FDOT recommended that “Sumter County coordinate with the Department on a traffic study and mitigation of potential impacts of the proposed comprehensive plan to the SHS or SIS, including the S.R.93/I-75 at S.R. 44 interchange, and at S.R. 44 and S.R.93 roadway segments in proximity to the proposed amendment.”

Two (2) of the three (3) new identified areas for development are on CR 475 and CR 462 with no direct access to SR 44. This significantly impacts the traffic on CR 475 and CR 462 with no analysis of impacts or consideration for impact to the adjacent residential and agricultural areas on CR 475 and CR 462. An increase over 900% of traffic without any analysis on minor collector roads that will be the primary point of access is not compliant. Based on the relative acreage of the

3 areas to roughly proportionate allocate the proposed traffic presented by the applicant (10,663 trips per day) results in (rounded):

Area 1 - 25% - 2,666 trips per day
Area 2 - 50% - 5,332 trips per day
Area 3 - 25% - 2,666 trips per day

Potential Traffic Increase Compared to 2022 Traffic Counts (Sumter County Annual Traffic Counts) are:

C-462 400' E of C-475
2022 County = 844 AADT
With Amendment Increase of 316% traffic

C-475 700' S of C-462
2022 County = 5,588 AADT
With Amendment Increase of 99%

FDOT Traffic Count 2021
SR 44 - I-75 to C-470
2021 FDOT = 10,900 AADT
With Amendment Increase of 24%

To better identify potential project impacts to listed species of fish and wildlife, FWC staff recommended that species-specific surveys be conducted immediately prior to any clearing or construction. Species-specific surveys are time sensitive and are best conducted by wildlife biologists with recent documented experience for that species.

The water management district identified the following lack of data and the County failed to react to the available data raised by the District. “The Southwest Florida Water Management District (District) has reviewed the referenced proposed amendment for the re-designation of 333 acres from Agricultural to Industrial. The property is on the east side of C-475 between SR 44 and C-462. We offer the following technical assistance comments for consideration.

Regional Water Supply. Concerning water supply availability for this amendment, the application does not provide analyses documenting the adequacy of potable water supplies for the proposed amendment. These analyses should prove that any projected increases in water supply demand from the existing land uses to future use (due to a change) are planned for. For example, in this case, the amendment should plan for increases from Agricultural to Industrial. If increases are anticipated, evidence should be included in the amendment materials how the additional demand would be met. For additional information, see DEO's publication entitled A Guide To The Data And Analysis To Support Comprehensive Plan Amendments). A copy of the Guide is available at the following link:

<http://www.floridajobs.org/community-planning-and-development/programs/technical-assistance/planning-initiatives/natural-resource-planning/water-supply-planning>

Future development is encouraged to maximize the use of water conservation measures and reclaimed water (when available). Conservation measures available for consideration include, but are not limited to, Florida Water Star, Florida-Friendly Landscaping™ and distribution of water conservation literature to industrial/commercial tenants/owners. Additional information on these programs is available at the following links:

https://www.swfwmd.state.fl.us/conservation/florida_water_star/
<https://www.swfwmd.state.fl.us/yards/>
<http://www.swfwmd.state.fl.us/publications/search.php?subject=conservation>

Floodplain and Flood Prone Areas and Wetlands and Other Surface Water. The District's GIS layers show expansive flood prone areas with overlapping wetlands. Strategies to avoid/or minimize encroachment into these areas, which are susceptible to flooding, are encouraged. Low impact development (LID) strategies could help with this. Potential LID options include, but are

not limited to, open space, clustering development in upland areas and preserving pervious surface areas.

For these reasons set forth above, the Plan Amendment is not based on adequate data and analysis and does not react to the available data in an appropriate way, or to the extent necessary, as required by Section 163.3177(1)(f), Florida Statutes.

17. Florida Statute Section 163.3177(8) requires the plan amendment react appropriately to the data and analysis regarding suitability of land. Pursuant to Florida Statutes Section 163.3177(8) “Future land use map amendments shall be based upon the following analyses: b. An analysis of the suitability of the plan amendment for its proposed use considering **the character of the undeveloped** land, **soils**, topography, **natural resources**, and **historic resources** on site.” The plan amendment is not in compliance with 163.3177(8) because it fails to consider the soil types that are suitable for farming and the character of the land and surrounding existing, historical rural uses and topography of the floodplain. The proposed plan amendment is not in compliance with this statutory requirement.

RELIEF REQUESTED

Petitioners respectfully request the following relief:

- (a) a formal hearing be conducted pursuant to Chapter 163 and Chapter 120 Florida Statutes.
- (b) the Administrative Law Judge issue a Recommended Order finding the Plan Amendment "not in compliance" with Florida Statutes Chapter 163 for the reasons set forth in this petition;
- (c) that the Administration Commission enter a Final Order determining that the Plan Amendment is not "in compliance" with Florida Statutes Chapter 163;
- (d) such other relief be granted as may be fair and just including and all other relief appropriate under the circumstances.

/s/ Ralf Brookes Attorney
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CERTIFICATE OF FILING & SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed and served on

January 13, 2022 to the following:

DIVISION OF ADMINISTRATIVE HEARINGS, STATE OF FLORIDA Via E-ACCESS filing or fax (850) 921-6847

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