

**FINAL ORDER NO. DCA09-GM-268**

**STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS**

DEPARTMENT OF COMMUNITY  
AFFAIRS,

Petitioner,

and

THE DEPARTMENT OF THE NAVY;  
and PROTECT KEY WEST AND THE  
FLORIDA KEYS, INC.,  
d/b/a LAST STAND;

Intervenors,

v.

DOAH CASE NO. 08-2035 GM

MONROE COUNTY, FLORIDA,

Respondent,

and

ROBBIE'S SAFE HARBOR MARINE  
ENTERPRISES, INC.; SAFE HARBOUR  
PROPERTIES, LLC; KW RESORT  
UTILITIES CORP.; and NEW STOCK  
ISLAND PROPERTIES, LLC,

Intervenors.

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**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File in this proceeding. A copy of the Order is attached hereto as Exhibit A.

**BACKGROUND**

This is a proceeding to determine whether the Monroe County ("County") comprehensive plan amendment adopted by Ordinance No. 008-2008 on February 4, 2008, ("Amendment") is

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“in compliance” with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes.

The Department reviewed the Amendment, issued its Notice and Statement of Intent to find the Amendment not “in compliance,” and subsequently filed its Petition for a Formal Administrative Hearing with the Division of Administrative Hearings (“Division”).

Following the referral to the Division, the parties requested that the matter be placed in abeyance for settlement negotiations.

On June 17, 2009, the County adopted Ordinance No. 025-2009, which rescinded the Amendment. The County and the Department filed with the Division a Joint Corrected Status Report with a copy of Ordinance No. 025-2009 attached and incorporated therein. On July 7, 2009, the Administrative Law Judge issued the Order Closing File. No exceptions to the Administrative Law Judge’s Order were filed.

**ORDER**

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, and the Agency Clerk is directed to close the file.

DONE AND ORDERED in Tallahassee, Florida.



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Shaw P. Stiller, General Counsel  
DEPARTMENT OF COMMUNITY AFFAIRS  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**FINAL ORDER NO. DCA09-GM-268****NOTICE OF RIGHTS**

EACH PARTY IS HEREBY ADVISED OF ITS RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH 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 BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

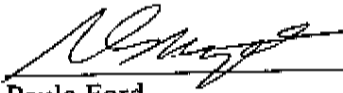
YOU **WAIVE** YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

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**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 28<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Paula Ford  
Agency Clerk  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**U. S. Mail:**

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Naval Facilities Engineering Command Southeast  
United States Navy  
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Jacksonville, Florida 32212-0102

**Hand Delivery:**

Richard E. Shine, Esquire  
L. Mary Thomas, Esquire  
Department of Community Affairs  
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Tallahassee, Florida 32399-2100

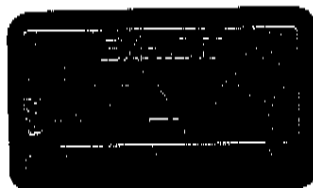
STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF COMMUNITY	)	
AFFAIRS,	)	
	)	
Petitioner,	)	
	)	
and	)	
	)	
PROTECT KEY WEST AND THE	)	
FLORIDA KEYS, INC., d/b/a LAST	)	
STAND AND THE DEPARTMENT OF THE	)	
NAVY,	)	
	)	
Intervenor,	)	
	)	
vs.	)	Case No. 08-2035GM
	)	
MONROE COUNTY,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
ROBBIE`S SAFE HARBOR MARINE	)	
ENTERPRISES, INC.; SAFE HARBOUR	)	
PROPERTIES, LLC; AND KW RESORT	)	
UTILITIES CORP.,	)	
	)	
Intervenor.	)	
_____	)	

ORDER CLOSING FILE

This cause having come before the Administrative Law Judge on the Corrected Status Report With Attachments wherein Monroe County rescinded the ordinance that was the subject of the challenge by the Petitioner, and the undersigned being fully advised, it is, therefore,

ORDERED that the file of the Division of Administrative Hearings in the above-captioned matter is hereby closed.



DONE AND ORDERED this 7th day of July, 2009, in Tallahassee,  
Leon County, Florida.



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BRAM D. E. CANTER  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 7th day of July, 2009.

COPIES FURNISHED:

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