

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

and

DEPARTMENT OF THE AIR FORCE,

Intervenor,

vs.

DOAH Case No. 08-4820GM

CITY OF TAMPA,

Respondent,

and

SPRAY MISER INTERNATIONAL,
INC.,

Intervenor.

_____ /

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction of this matter back to the Department of Community Affairs (“Department”). A copy of the Order is attached to this Final Order as Exhibit A.

BACKGROUND

This is a proceeding to determine whether the City of Tampa’s (“City”) Comprehensive Plan Amendment 08-1AR adopted by Ordinance No. 2008-144 on August 21, 2008, and challenged by the Department on September 26, 2008, is “in compliance” with the Local

Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the “Act”).

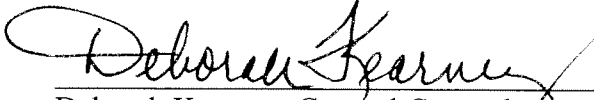
The parties entered into a Stipulated Settlement Agreement which required the City to adopt certain remedial amendments. The City adopted the remedial amendments by Ordinance Nos. 2010-90 and 2010-91. No party filed a challenge to the remedial amendments adopted by Ordinance Nos. 2010-90 or 2010-91 within the 30-day challenge period. See Fla. Stat. § 163.32465(6). Under the statutory framework of the Alternative State Review Process Pilot Program, the Department does not issue a cumulative notice of intent if a remedial amendment is consistent with Part II, Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. However, pursuant to paragraph 9(a) of the Stipulated Settlement Agreement, the Department agreed to dismiss its Petition and enter a final order finding the plan amendment “in compliance,” if the City adopted the remedial amendments.

Following the City’s adoption of the remedial amendments, the Department filed with the Division of Administrative Hearings a Motion to Relinquish Jurisdiction on January 6, 2011. On January 7, 2011, the Administrative Law Judge granted the Motion. No Exceptions to the Administrative Law Judge’s Order were filed.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, the amendment adopted by Ordinance No. 2008-144 as remediated by Ordinance Nos. 2010-90 and 2010-91 is determined to be “in compliance,” and the Agency Clerk is directed to close the file.

DONE AND ORDERED in Tallahassee, Florida.


Deborah Kearney, General Counsel
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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.

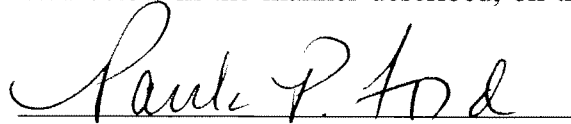
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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.

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 21st day of February, 2011.



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

U. S. Mail:

The Honorable Donald R. Alexander
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