

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

vs.

DOAH Case No. 09-1908GM

CITY OF TAMPA,

Respondent,

and

SPRAY MISER INTERNATIONAL, INC.
AND FLORIDA ROCK AND TANK
LINES, INC.,

Intervenors.

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 to this Final Order as Exhibit A.

BACKGROUND

This is a proceeding to determine whether portions of the City of Tampa's ("City") Comprehensive Plan Amendment adopting its EAR Based Amendments by Ordinance No. 2009-26 on February 9, 2009, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

FINAL ORDER NO. DCA11-GM-051

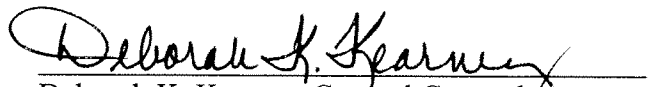
The parties entered into a Stipulated Settlement Agreement which required the City to adopt certain remedial amendments. The City adopted the remedial amendments by Ordinance No. 2010-158 on October 21, 2010. On January 12, 2011, the Department published its Cumulative Notice of Intent to find the Plan Amendment and the remedial amendment to be “in compliance” with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code. No party filed a challenge to the remedial amendments adopted by Ordinance No. 2010-158 within the 21-day challenge period.

The Department subsequently filed with the Division of Administrative Hearings a Notice of Filing Cumulative Notice of Intent and Request to Relinquish Jurisdiction on March 11, 2011. On March 14, 2011, the Administrative Law Judge issued his 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.


Deborah K. 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.

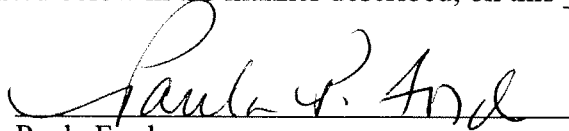
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 17th day of March, 2011.



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

U. S. Mail:

The Honorable Bram D.E. Canter
Administrative Law Judge
Division of Administrative Hearings
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Julia Cole
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Hand Delivery:

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