for declaratory statement that was filed on October 16, 2007, by Jerry L. Johnson, an individual from Titusville, Florida. The petition sought the agency's opinion as to whether the Securities and Investor Protection Act (Chapter 517, Florida Statutes) requires Johnson's registration for the sale of viaticalized policies exclusively to accredited investors in the State of Florida. The Office determined that, under the facts presented, Johnson would be entitled to claim exemption from registration under Chapter 517, Florida Statutes, so long as the viatical settlement investments he sells are exclusively to accredited investors as defined in Rule 501(a) of Regulation D of the Securities Act of 1933.

A copy of the order may be obtained from: Jennifer Hrdlicka, Assistant General Counsel, Office of Financial Regulation, Office of General Counsel, Fletcher Building, Suite 526, 200 East Gaines Street, Tallahassee, Florida 32399-0379.

Section VIII
Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:
Retail Beverage Council of the Florida Retail Federation: Wine and Spirits Distributors of Florida, Inc.; and Beer Industry of Florida, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-0993RP; Rule Nos.: 61A-1.010, 61A-1.0108, 61A-1.0109
Comcar Industries, Inc. vs. Department of Financial Services, Division of Workers’ Compensation; Case No.: 08-0894RX; Rule Nos.: 69L-5.105, 69L-5.106
Inemnity Insurance Company of North America vs. Department of Financial Services; Case No.: 08-1060RX; Rule No.: 69L-7.501
Hartman and Tyner, Inc., d/b/a/ Mardi Gras Gaming vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 08-0851RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:
Moshe Leib, d/b/a Tblimo.com vs. Hillsborough County Public Transportation Commission; Case No.: 08-0855RU

Holmes Regional Medical Center, Inc. (Intervenor), Technology Insurance Company vs. Department of Financial Services; Case No.: 08-0711RX; Rule No.: 69L-7.501; Dismissed

Section IX
Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION
Florida Atlantic University
BT-650 FAU Stadium-Boca Raton Campus
A/E ADVERTISEMENT
NOTICE TO PROFESSIONAL CONSULTANTS
Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture/Engineer, will be required for the project listed below:
Project No. BT- 650
Project and Location: Located on Florida Atlantic University's Boca Raton Campus, the Stadium design will consist of an expandable 30,000 seat facility. Amenities will include a club level, executive suites, a press level, ticket sales office, locker rooms, training rooms, public restrooms and concession areas. The project shall be handicap accessible. Total construction budget is approximately $48,900,000. The selected firm will
INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed “Florida Atlantic University Professional Qualifications Supplement” (FAUPQS Revised January 2004). Applications on any other form may not be considered.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project. For this project, the location factor has been adjusted to reflect 1 point for in-state firms and 0 points for out-of-state firms.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) sets of the above requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of $10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Sole Point of Contact: The FAU Professional Qualifications Supplement, the Project Fact Sheet, and the approved Facilities Program are available online at http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php or by contacting the University’s Sole Point of Contact for this project, Ms. Azita Dashtaki, Division of Facilities, Telephone (561)297-0425, Fax (561)297-0224, or e-mail dashtaki@fau.edu.

From the date of issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year, including the ability to meet aggressive time and budget constraints.

3. Experience in campus planning, educational facilities and working with committees.

SELECTION COMMITTEE:

Tom Donaudy, University Architect & Vice President for Facilities
Howard Schnellenberger, Director Football Operations/Head Coach
Craig Angelos, Director of Athletics
David Kian, General Counsel
Kenneth Jessell, Vice President of Financial Affairs
James Baker, Director of Engineering & Utilities

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due: May 1, 2008
Shortlist Meeting: TBD
Final Interviews: TBD
Contract Negotiation: TBD

GENERAL INFORMATION:

1. The University is not liable for any costs incurred by the Applicants prior to the issuance of an executed contract.

2. In order to minimize the possibility of unethical pressures or influences on the recommendation of the Selection Committee, no verbal or written communication is permitted between the applicants and the members of the Selection Committee. Any questions or requests for project information must be in writing to Azita Dashtaki, Division of Facilities, Telephone (561)297-0425, Fax (561)297-0224, or e-mail dashtaki@fau.edu.

3. All applicants will be notified of the results of the shortlist in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.

4. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President’s action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.

5. Professional liability insurance is required for this project in the amount of $1,000,000.00.

6. A copy of the building program is available on our website at http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees, announces that professional services in the discipline of Civil Engineering and Surveying Services will be required for the project listed below:

Project and Location: Continuing Civil Engineering Services Contract and Continuing Surveying Services Contract, Florida International University, all sites, Miami, Florida

Continuing Services Contracts are specific projects that have a basic construction budget estimated to be $1,000,000 or less, or studies for which the fee for professional services is $100,000 or less. This will be a multiple award contract for an initial period of one year with an Owner’s option to renew an additional year. One contract will be awarded for civil engineering services and one contract for surveying services. Continuing Services Contracts provide that the consultant will be available on an as-needed basis for the Fiscal Year, July 1 – June 30.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed (former Board of Regents) “Professional Qualifications Supplement (SUSPQS),” dated September 1999 with FIU revisions dated 2/22/2008. Applications on any other form will not be considered. It is the intent of FIU to encourage participation by qualified Minority Business Enterprises however, State of Florida MBE Certification is not a factor in the selection process. Disregard paragraph 4 on page 2 of the instructions.

2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent.

The plans and specifications for A/E are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of
Invitation To Bid
For a Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 353, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 5th Floor, Room 513-D, 1701 Prudential Drive, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE April 22, 2008
AND WILL BE ACCEPTED UNTIL 2:00 p.m.

Districtwide Roof Replacement at Beauclerc Elementary School No. 230
DCPS PROJECT NO. M-84740, Stage I
SCOPE OF WORK: Remove old deteriorated roof system and install a new metal roof system, also remove built-up roof system on two classroom wings and install a new Modified Bitumen roof system. The estimated construction cost “Budgeted Not to Exceed” is $869,750.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on April 9, 2008, 9:00 a.m., 129 King Street, Room 37, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be examined at:
F.W. Dodge McGraw Hill Plan Room
Construction Market Data, Inc.

Contract documents for bidding may be obtained for a refundable fee of $75.00 at the office of:
Akel, Logan & Shafer, P.A., 704 Rosselle Street, Jacksonville, Florida 32204
DCSB Point of Contact: Dale Hughes, (904)858-6362

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding $200,000 and electrical projects exceeding $50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, e-mail: beaudoinr@dreamsbeginhere.org or faganr@dreamsbeginhere.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.
DCSB Point of Contact: Dale Hughes, (904)858-6362
Contract documents for bidding may be examined at:
Construction Market Data, Inc.  National Association of
Minority Contractors
MBE Participation Goal:  10% Overall
The Duval County Public Schools has begun prequalifying all
contractors who intend to submit bids for all construction
projects exceeding $200,000 and electrical projects exceeding
$50,000. Effective May 31, 2003, all Contractors submitting
bids must be prequalified with Duval County Public Schools.
No bids will be accepted from Contractors who are not
prequalified with Duval County Public Schools.
Prequalification forms and information may be obtained by
contacting: Richard Beaudoin or Ronald A. Fagan at 1701
Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or
(904)390-2922, Fax (904)390-2265, e-mail: beaudoinr@
dreamsbeginhere.org or faganr@dreamsbeginhere.org.
The Bid Award Recommendation will be posted on the First
Floor bulletin board, Duval County School Board Building,
1701 Prudential Drive, Jacksonville, Florida 32207-8182.

ADVERTISEMENT FOR BIDS
The School Board of Pinellas County, Florida will receive
sealed bids in the Purchasing Department of the Walter
Pownall Service Center, 11111 South Belcher Road, Largo,
Florida until 1:00 p.m. (Local Time), April 10, 2008, for the
purpose of selecting a supplier to provide per the bid
specifications for:

Ice Cream Products
Bid 08-380-635

The purpose and intent of this invitation to bid are to select one
supplier to provide and deliver various Ice Cream Products to
district facilities, county wide, and to secure firm, net pricing
for the contract period as specified herein.
Public opening of the Bids will occur in the Purchasing
Conference Room at the above address and all interested
parties are invited to be present.
Specifications are available at the office of:
Purchasing Department
Walter Pownall Service Center
11111 So. Belcher Road
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS
COUNTY, FLORIDA
CLAYTON M. WILCOX  NANCY BOSTOCK
SUPERINTENDENT OF SCHOOLS  CHAIRMAN
AND EX-OFFICIO SECRETARY  TO THE SCHOOL BOARD
MARK C. LINDEMANN  DIRECTOR, PURCHASING

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND
Notices for the Board of Trustees of the Internal Improvement
Trust Fund between December 28, 2001 and June 30, 2006, go
to http://www.dep.state.fl.us/ under the link or button titled
“Official Notices.”

REGIONAL PLANNING COUNCILS

Request for Proposal for Website Development
The East Central Florida Regional Planning Council
(ECFRPC) seeks qualified providers to design and develop a
new website for the agency. Proposals will be received until
April 21, 2008. To view the complete RFP document, please
visit our website at www.ecfrpc.org and click on “Job
Opportunities”.
Contact Kimberly Loewen, operations manager, with any
questions at loewen@ecfrpc.org or (407)623-1075.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District
Request for Proposal 07/08-021 LM
Pine Seedling Production
The Suwannee River Water Management District (District) is
requesting bids for growing, harvesting, packaging and
delivery of bare-root slash and longleaf pine seedlings, and
containerized longleaf pine seedlings. The District desires to
find the least cost alternative to producing these seedlings and
their delivery to tree planting contractors next winter.
Proposed Schedule
March 21, 2008  Release of Request for Bid.
March 28, 2008  Bids due prior to 4:00 p.m. at District
Headquarters in Live Oak. Opening will
occur at this time. *
April 8, 2008  Governing Board Approval of
Top-Ranked Firm at 9:00 a.m. at District
Headquarters in Live Oak. *
January 31, 2009  Completion of Seedling Production

* Denotes a public meeting.
Additional information and Request for Bid documents are
available on the District’s website at www.mysuwannee river.com
or contact Randy Hall at (386)362-1001 or (800)226-1066
(Florida only).
DEPARTMENT OF MANAGEMENT SERVICES
STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES
DIVISION OF REAL ESTATE DEVELOPMENT
AND MANAGEMENT
PUBLIC ANNOUNCEMENT FOR
CONSTRUCTION CONTRACTORS
TO PROVIDE CONSTRUCTION MANAGEMENT AT
RISK SERVICES
REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed building contractors, to submit for Construction Management at Risk services on the following project:
PROJECT NUMBER: LEG-27032000
PROJECT NAME: Renovations and Additions Senate Office Building
LOCATION: Tallahassee, Florida
ESTIMATED CONSTRUCTION BUDGET: up to $2,000,000.00 (Phase One is approximately $500,000.00. Additional design and construction budget will occur in multiple phases contingent upon future related appropriations). The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Department’s Division of Real Estate Development and Management. For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” http://fcn.state.fl.us/owa_vbs/owa/vbs/www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled “Official Notices.”

Notice of Request for Plans (RFP) for Visitor Services at Sebastian Inlet State Park (Concession and Bait & Tackle)
Solicitation Number 2008055C
The Florida Department of Environmental Protection (DEP) is requesting plans from prospective contractors to provide visitor services (for a concession and a bait and tackle operation) at Sebastian Inlet State Park, which is located in Brevard and Indian Counties. This solicitation is being conducted as a Request for Plans for Visitor Services pursuant to Section 258.007(3), F.S.
Responses to the subject solicitation are due at the address identified in the solicitation package, available on the DEP’s Division of Recreation and Parks website (http://www.dep.state.fl.us/parks/bos/vsp/default.htm), no later than 3:00 p.m. (EDST), Wednesday, April 30, 2008.
A MANDATORY MEETING WILL BE HELD ON: Thursday, April 10, 2008, 9:00 a.m. (EDST), to convey DEP’s concept of the visitor services requested under this solicitation and to answer appropriate legal, administrative and/or technical questions. Prospective visitor service providers interested in responding to this solicitation as a prime contractor must be represented at the mandatory meeting held at the following address: Sebastian Inlet State Park, Park Conference Room, 9500 South Highway A1A, Melbourne, Florida 32951, (321)984-4852. Failure of a respondent to participate in the mandatory meeting shall result in the rejection of the respondent’s response to this solicitation. Copies of the subject solicitation should be obtained from the internet prior to participating in the meeting, as copies of the solicitation will not be made available at the meeting site.
PERSIST DIRECT ALL QUESTIONS TO: Gwenn D. Godfrey, Chief, Bureau of General Services (MS 85), 3800 Commonwealth Blvd., Carr Building, Room 155, Tallahassee, FL 32399-3000, (850)245-2350, Fax (850)245-2409, e-mail: Gwenn.Godfrey@dep.state.fl.us.
Pursuant to the Americans with Disabilities Act, any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Bureau of General Services,
Request for Plans (RFP) for Visitor Services at Sebastian Inlet State Park (Marina Operations) Solicitation Number 2008056C

The Florida Department of Environmental Protection (DEP) is requesting plans from prospective contractors to provide visitor services (for marina operations) at Sebastian Inlet State Park, which is located in Brevard and Indian Counties. This solicitation is being conducted as a Request for Plans for Visitor Services pursuant to Section 258.007(3), F.S.

Responses to the subject solicitation are due at the address identified in the solicitation package, available on the DEP’s Division of Recreation and Parks website (http://www.dep.state.fl.us/parks/bos/vsp/default.htm), no later than 4:30 p.m. (EDST), Wednesday, April 30, 2008.

A MANDATORY MEETING WILL BE HELD ON:
Thursday, April 10, 2008, 1:30 p.m. (EDST), to convey DEP’s concept of the visitor services requested under this solicitation and to answer appropriate legal, administrative and/or technical questions. Prospective visitor service providers interested in responding to this solicitation as a prime contractor must be represented at the mandatory meeting held at the following address: Sebastian Inlet State Park, Park Conference Room, 9500 South Highway A1A, Melbourne, Florida 32951, (321)984-4852. Failure of a respondent to participate in the mandatory meeting shall result in the rejection of the respondent’s response to this solicitation.

Copies of the subject solicitation should be obtained from the internet prior to participating in the meeting, as copies of the solicitation will not be made available at the meeting site.

PLEASE DIRECT ALL QUESTIONS TO: Gwenn D. Godfrey, Chief, Bureau of General Services (MS 85), 3800 Commonwealth Blvd., Carr Building, Room 155, Tallahassee, FL 32399-3000, (850)245-2350, Fax (850)245-2409, e-mail: Gwenn.Godfrey@dep.state.fl.us.

Pursuant to the Americans with Disabilities Act, any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Bureau of General Services, (805)245-2350, at least five (5) workdays prior to the event. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TTY) or 1(800)955-8770 (Voice).

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE TO CONTRACTORS

BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NUMBER: FWC 07/08-85
PROJECT NAME: MODULAR OFFICE UNIT
PROJECT LOCATION: LAKE CITY, FLORIDA

SERVICES TO BE PROVIDED: Construct modular office building at the Florida Fish and Wildlife Conservation Commission’s (FWC), North Central Regional Office located at 3377 East U.S. Hwy. 90, Lake City, Florida 32055.

BID OPENING DATE: April 10, 2008, 2:30 p.m. (EST)
PLACE: Florida Fish and Wildlife Conservation Commission Purchasing Office, Room 364
620 South Meridian Street
Tallahassee, Florida 32399-1600
Telephone (850)488-3427

MANDATORY PRE-BID CONFERENCE: A mandatory pre-bid conference to clarify any questions or ambiguities the bidders may have with respect to the bid documents has been scheduled for 1:00 p.m. (EST), March 25, 2008, at the FWC North Central Regional Office (Lake City address, above).

BID DOCUMENTS: Bid documents can be obtained from the State of Florida’s Vendor Bid System at the following website, or by contacting the above-mentioned Purchasing Office, http://wbs.dms/state.fl.us/vbs/main_menu.

Direct questions to the Project Manager:
Kevin Pigott
Florida Fish and Wildlife Conservation Commission
Fish and Wildlife Research Institute
100 Eighth Avenue, S.E.
St. Petersburg, FL 33701
Phone: (727)896-8626, ext. 2096
E-mail: kevin.pigott@myfwc.com

BAY COUNTY BOARD OF COUNTY COMMISSIONERS

Notice of Bid/Request for Proposal

PROPOSALS from firms to perform a Joint Land Use Study (JLUS) for Bay County and the Naval Support Activity Panama City (NSA PC) will be received by the Board of County Commissioners of Bay County, Florida at the Purchasing Department, 517 E. 9th Street, Panama City, Florida 32401 up until 1:30 p.m. (CST), April 17, 2008. Submittals will be publicly opened and acknowledged at 2:00 p.m. (CST), April 17, 2008.
Proposals shall be submitted in a sealed envelope, plainly marked with respondent’s name, address, date, time of submission deadline and RFP number 08-24, for “JLUS”. The Scope of Work: Bay County, Florida is seeking Requests for Proposals from firms and individuals for the development, application and use of a Joint Land Use Study with the Naval Support Activity Panama City (NSA PC). The general work plan is to address development issues surrounding NAS PC that may in the future represent incompatible urban development. This project will include extensive data collection, public outreach, mapping and analysis of land uses and potential future conflicts and the development of recommendations in the area.

RFP NO: 08-24

Copies of the solicitation package are available at the Bay County Purchasing Department, 517 E. 9th Street, Panama City, Florida 32401. Packages may also be obtained in electronic format via e-mail to: swalding@co.bay.fl.us. Inquiries regarding the RFP should be directed to James Clawson, Purchasing Director, via e-mail to jclawson@co.bay.fl.us or Fax (850)784-6143.

The Board of County Commissioners reserves the right to accept or reject any and all submissions and to waive informalities in the process, to obtain new proposal’s or to postpone the opening pursuant to the Board’s purchasing policies. RFP(s) shall be valid to Bay County for a period of one hundred and twenty (120) days after the opening.

Section XII
Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA08-OR-073
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF KEY WEST ORDINANCE NO. 07-18

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes, (2007), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT
1. The City of Key West is a designated area of critical state concern.

2. On January 8, 2008 the Department received for review City of Key West Ordinance No. 07-18, which was adopted by the City of Key West City Commission on December 6, 2007, (“Ord. 07-18”). Ord. 07-18 amends Section 122-1017 to permit Government operated transit facilities as a permitted use in the Public and Semi-Public Zoning District.

3. Ord. 07-18 is consistent with the City’s Comprehensive Plan.

CONCLUSIONS OF LAW
4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. Sections 380.05(6) and 380.05(11), Florida Statutes, (2007).

5. The City of Key West is an Area of Critical State Concern. Section 380.05, Florida Statutes (2007) and Rule 28-36.001, Florida Administrative Code.

6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 07-18 are land development regulations.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the “Principles”). Section 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d., 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Florida Administrative Code.

8. Ord. 07-18 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:
   (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
   (f) Protect the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments, including: (5) The maintenance and expansion of transportation facilities.
   (h) To protect the value, efficiency, cost effectiveness, and amortized life of existing and proposed major public investments.

10. Ord. 07-18 is not inconsistent with the remaining Principles. Ord. 07-18 is consistent with the Principles for Guiding Development as a whole.