

EARLY LEARNING COALITION OF FLAGLER AND VOLUSIA

The Early Learning Coalition of Flagler and Volusia has issued an Invitation to Negotiate for the following services:

- Early Learning Services
(Child Care Resource and Referral; Eligibility; Community Outreach)
- Provider Development Services
(Provider Training & Technical Assistance)
- Provider Quality Assurance
(Provider Recruitment; Contract Management; Monitoring)
- Child Development Services
(Inclusion; Infants and Toddlers; Screenings & Assessments)
- Fiscal Support Services
(Provider Reimbursements; Fiscal Monitoring)

Services will be within Flagler and Volusia counties, for program year July 1, 2007 – June 30, 2008 with an additional 2 year option to renew. An Applicant’s Conference will be held January 17, 2007 at the Center for Business Excellence in Daytona Beach at 11:30 a.m. Contact Lara Harmon, Operations and Quality Assurance Manager, at harmon@elcfv.org for more information.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**WATERFRONTS FLORIDA PARTNERSHIP PROGRAM
NOTICE OF APPLICATION PERIOD – 2007-2009**

The Department of Community Affairs announces an application period for receiving applications from local governments and non-profit environmental organizations working with local governments for designation as a Waterfronts Florida Partnership Communities. The Waterfronts Florida Partnership Program is a two-year program that provides technical assistance, training, and small planning grants to working waterfront communities for revitalization efforts. Communities develop and implement special area management plans that address such issues as community visioning, maintaining a viable traditional waterfront economy, hazard mitigation, environmental and cultural resource protection, and public access. New communities are designated every two years.

DEADLINE: The deadline for submitting applications shall be 4:30 p.m. (EDT), Wednesday, March 21, 2007. Applications must be received by the Department of Community Affairs by the above-stated deadline. Applications received after the published deadline shall be deemed late and will not be considered by the Department.

ELIGIBILITY: The community must be located within a county or municipality that is required to adopt a coastal element as part of its local government comprehensive plan. The comprehensive plan must be in compliance with the provisions of Chapter 163, Part II, Florida Statutes. The designated waterfront area cannot be a major deep water port (i.e., it cannot generate more than \$5 million annually in operating revenues).

APPLICATION FORMS: Applications for funding must be made on the Waterfronts Florida Application Form. Copies of the application form may be obtained by visiting the Department’s website at www.dca.state.fl.us/fdcp/dcp/waterfronts, calling (850)922-1772 or Suncom 292-1772 or by writing to: Department of Community Affairs, Waterfronts Florida Partnership Program, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

ADDRESS: For mail and carrier service deliveries, the delivery address is: Waterfronts Florida Partnership Program, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

FUNDS AVAILABLE: The Department of Community Affairs expects that \$25,000 per community will be available for grant awards during the 2007-2008 state fiscal year and an additional \$25,000 per community will be available for continuation grant awards during the 2008-2009 state fiscal year. The program is financed in part with a grant from the Florida Coastal Management Program, Department of Environmental Protection, made possible through a grant from the National Oceanic and Atmospheric Administration.

LOCAL MATCH: Applicants must commit a dollar-for-dollar match, either cash (non-federal funds) or in-kind. As a condition of the designation, applicants must also commit to provide a local program manager.

MORE INFORMATION: Interested parties may obtain more information from the Department’s website at www.dca.state.fl.us/fdcp/dcp/waterfronts, by contacting the Department at (850)922-1772 (Suncom 292-1772) or by writing the above-stated address.

**NOTICE OF FUNDING AVAILABILITY AND
APPLICATION WORKSHOP
FLORIDA SMALL CITIES CDBG PROGRAM**

The Department of Community Affairs (DCA) announces anticipated funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Program. Subject to the receipt of funding from the U.S. Department of Housing and Urban Development (HUD), the Department will allocate an estimated \$18 million of Federal Fiscal Year 2007 funding for Commercial Revitalization, Housing Rehabilitation and Neighborhood Revitalization projects. In addition, approximately \$500,000 will be available for

Planning and Design Specifications grants. In order to be eligible to apply in these categories, applicants cannot have an open grant in any of the three program categories. Closeouts for open contracts must be received in the CDBG program office by 5:00 p.m. (EST), February 28, 2007, in order to be eligible, and any open contracts must be administratively closed by the Department by the application deadline date.

The Department also anticipates that funding will be available under the Florida Small Cities CDBG Program for Economic Development job creation/retention activities. Subject to the receipt of funding from HUD, the Department will allocate an estimated \$7.5 million of Federal Fiscal Year 2007 Small Cities CDBG funds for job-creating economic development activities, with the application cycle beginning March 1, 2007, and ending at 5:00 p.m. (EDT), Friday, April 20, 2007. In the event that funds remain available after this initial deadline, applications in the Economic Development category will be reviewed and eligible applications will be awarded subgrants on a first-come, first served basis.

An anticipated \$1.5 million Emergency Set-Aside will be designated for state-declared emergencies. These funds will be available from April 1 of the year for which they are allocated through the third quarter (March 31) of the next State fiscal year. Any funds in the set-aside for which a notice of intent to submit an emergency application has not been received prior to March 31 will be reallocated in accordance with Section 290.044 (4), Florida Statutes.

Eligible local governments must meet specific population requirements and cannot be participants in a CDBG Urban Entitlement Program. The population requirements are: cities with not more than 50,000 residents and counties with not more than 200,000 residents. The application process is conducted in accordance with Sections 290.0401-.048, Florida Statutes and Rule Chapter 9B-43, Florida Administrative Code.

The Federal Fiscal Year 2007 application cycle for all of the above-mentioned categories of funding will begin (“open”) March 1, 2007 and end (“close”) at 5:00 p.m. (EDT), April 20, 2007 (“the deadline date”). Applications must be submitted on forms required by and in the format specified by the Department and must be received in the Florida Small Cities CDBG Program Office, Department of Community Affairs, The Sadowski Building, Room 260, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by 5:00 p.m. (EDT) on the deadline date.

To assist local governments in the application process, the Department will conduct an application workshop on February 21, 2007 at the Embassy Suites – Orlando North, located at 225 Shorecrest Drive in Altamonte Springs. Workshop registration information, as well as application forms and instructions, may be obtained by calling the CDBG Program at (850)487-3644, accessed at our website: <http://www.floridacommunitydevelopment.org/cdbg/index.cfm>, or obtained by writing to:

Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

If you have questions, please contact the CDBG grants management staff or Esrone McDaniels, Administrator of the Small Cities CDBG Program, at (850)487-3644 or by email at esrone.mcdaniels@dca.state.fl.us.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Mrs. Pat Harvey at the Department of Community Affairs, (850)487-3644 at least seven days before the workshop to request the accommodation. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8771 (TDD).

DCA Final Order No.: DCA06-OR-311
 STATE OF FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS
 In Re: MONROE COUNTY LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 036-2006

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On October 31, 2006, the Department received for review Monroe County Ordinance No. 036-2006, adopted by Monroe County on September 20, 2006.
3. The purpose of this Ordinance is to amend Chapter 9.5 of the Land Development Regulations as follows: to clarify the definitions of “Accessory Uses” or “Accessory Structures” and “Adjacent Landowner” in Section 9.5-4; to amend Section 9.5-256 “Aggregation of Development,” to create conditions for aggregation of lands; to amend Section 9.5-349 “Shoreline Setbacks,” to permit docking facilities on lands within 500 feet of land containing the principal structure under certain conditions; and to create an approval process for such requests.
4. The Department has reviewed the Ordinance for consistency with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and the Monroe County 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ordinance No. 036-2006 are land development regulations.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in section 380.0552(7), Fla. Stat. 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Additionally, section 163.3194(1)(b), Florida Statutes (F.S.), requires that all land development regulations must be consistent with the local government's adopted comprehensive plan.
10. Ordinance No. 036-2006, which allows docking facilities to be permitted on lots/parcels within 500 feet in a straight line of the principal structure and on Tier 1 designated lands, is not consistent with the following Principles:
 Principle (b): To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 Principle (c): To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
11. Ordinance No. 036-2006 is neutral in effect on the remaining Principles.
12. Ordinance No. 036-2006 is inconsistent with the following provisions of the Monroe County 2010 Comprehensive Plan that discourage development in Tier I properties, encourage clustering to avoid impacts on sensitive habitats, and provide for preservation of open space in a contiguous, non-fragmented condition:
 Policy 205.2.2
 Monroe County shall discourage developments in Tier I and within tropical hardwood hammock or pinelands of one acre or more in area to protect areas of native upland vegetation.

Policy 102.1.1

The County shall protect submerged lands and wetlands. The open space requirement shall be one hundred (100) percent of the following types of wetlands:

1. submerged lands
2. mangroves
3. salt ponds
4. fresh water wetlands
5. fresh water ponds
6. undisturbed salt marsh and buttonwood wetlands

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity.

Policy 102.3.2

Monroe County shall require development clustering so as to avoid impacts on sensitive habitats and to provide for the preservation of all required open space in a contiguous, non-fragmented condition by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel; and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel.

Policy 102.9.1

Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations.

Policy 105.2.1

Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows:

1. Natural Area (Tier I): Any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive by the policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural Area. New development on vacant land is to be severely restricted and privately owned vacant lands are to be acquired or development rights retired for resource conservation and passive recreation purposes. However, this does not preclude provisions of infrastructure for existing development.

Within the Natural Area designation are typically found lands within the acquisition boundaries of federal and state resource conservation and park areas, including isolated platted subdivisions; and privately-owned vacant lands with sensitive environmental features outside these acquisition areas.

13. Ordinance No. 036-2006 is inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and Monroe County's Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ordinance No. 036-2006 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is found to be inconsistent with the Monroe County 2010 Comprehensive Plan, and is hereby REJECTED.

DONE AND ORDERED in Tallahassee, Florida.

Tracy D. Suber
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of December, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mario DiGennaro
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Aref Joulani
Director
Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Order No. DCA06-OR-285

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In Re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 06-17

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On September 6, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 06-17 ("Ord. No. 06-17") adopted by the Village on August 31, 2006. The purpose of the Ordinance is to amend Division 9, Article 5, Chapter 30, of the Village Municipal Code concerning fence regulations.

- 3. The Ordinance changes one sentence in Section 30-912(e)(2) to redefine where the "finished surface" of a fence may be located upon construction.
4. Ord. 06-17 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Fla. Stat. (2006), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 06-17 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2006). 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 06-17 promotes and furthers the following Principles: (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.
10. Ord. 06-17 is not inconsistent with the remaining Principles. Ord. 06-17 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-17 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S

ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

TRACY D. SUBER
 STATE PLANNING ADMINISTRATOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order 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 by the method indicated this 3rd day of January, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable Chris Sante, Mayor
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Beverly Raddatz, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Nina Boniske, Esq.
Nancy Stroud, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA06-OR-286
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In Re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE
COUNTY
ORDINANCE NO. 029-2006

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On September 14, 2006, the Department received for review Monroe County Ordinance No. 029-2006 ("Ord. 029-2006"), adopted by Monroe County on July 19, 2006.
3. The purpose of the Ordinance is to amend Chapter 9.5 of the Land Development Regulations to establish provisions to allow temporary emergency housing during the recovery period from a natural or manmade disaster, avoid delay in completing ongoing or future airport safety and capacity improvements, and provide regulatory authority for placement of emergency temporary housing for workers responding to recovery and reconstruction efforts following natural or manmade disasters which are lawfully declared emergencies by any federal, state or local governmental emergency declaration authority.
4. Ordinance 029-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 029-2006 are land development regulations.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 029-2006 promotes and furthers the following Principles:
 - (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.
 - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
10. Ord. 029-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 029-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

TRACY D. SUBER
State Planning Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE

ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL

PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 3rd day of January, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Charles McCoy
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Aref Joulani
Acting Director
Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Motor Sports of America of New Jersey, Inc., intends to allow the establishment of Evolution Motor

Sports, Inc., as a dealership for the sale of WUXI Futong motorcycles at 2629 North Magnolia Avenue, Ocala (Marion County), Florida 33603, on or after December 22, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motor Sports, Inc. are dealer operator(s): Kathy Parks, 2629 North Magnolia, Ocala, Florida 34475; principal investor(s): Kathy Parks, 2629 North Magnolia, Ocala, Florida 34475.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: James Pizzo, President, Motor Sports of America of New Jersey, Inc., P. O. Box 334, Mount Royal, New Jersey 08061.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Scooter Management, LLC, intends to allow the establishment of ALI-J, Inc. d/b/a Freedom Powersports, as a dealership for the sale of Chungfei Motorcycle Ltd. (CHEG), Qianjiang Motorcycle Group Corp. (QIAN) and Shanghai Meitian (MEIT) motorcycles at 941 Country Club Boulevard, Cape Coral (Lee County), Florida 33990, on or after February 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of ALI-J, Inc. d/b/a Freedom Powersports are dealer operator(s): Jeff Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33914; principal investor(s): Jeff Free and Alison Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33914.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Klaiman,, President, Scooter Management, LLC, 6910 Renwick, Suite C, Houston, Texas 77081.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

[The previous publication in the F.A.W., Vol. 32, No. 15, dated April 14, 2006, has been corrected. In the first paragraph the address and effective date has been corrected to read, "313 & 315 Commerce Center Drive, St. Cloud, Florida 34769, on or after January 2, 2007."]

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyosung Motors America, Inc., intends to allow the establishment of KC Hyosung as a dealership for the sale of Hyosung motorcycles at 313 & 315 Commerce Center Drive, St. Cloud (Osceola County), Florida 34769, on or after January 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of KC Hyosung are dealer operator(s): Chad Smith, P. O. Box 700208, St. Cloud, Florida 34772; principal investor(s): Chad Smith, P. O. Box 700208, St. Cloud, Florida 34772.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815-B Brook Hollow Parkway, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), JH Global Services, Inc., intends to allow the establishment of Action Golf Cars as a dealership for the sale of STAR Neighborhood Electrical Vehicles at 940 North US 1, Ormond Beach (Volusia County), Florida 32174, on or after December 11, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Action Golf Cars are dealer operator(s): Bill Morgan, 940 North US 1, Ormond Beach, Florida 32174; principal investor(s): Bill Morgan, 940 North US 1, Ormond Beach, Florida 32174.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Zhang, CEO, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Hyosung Motors America, Inc., intends to allow the establishment of Treasure Coast Motorcycle Center, Inc., as a dealership for the sale of Hyosung motorcycles at 6695 US Highway 1, Suite A, Vero Beach (Indian River County), Florida 32960, on or after December 20, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Motorcycle Center, Inc. are dealer operator(s): Richard Kita, 1190 40th Avenue Southwest, Vero Beach, Florida 32968; principal investor(s): Richard Kita, 1190 40th Avenue Southwest, Vero Beach, Florida 32968.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Polaris Sales, Inc., intends to allow the establishment of Volusia Motorsports as a dealership for the sale of Victory motorcycles at 1701 West Canal Street, New Smyrna Beach (Volusia County), Florida 32168, on or after May 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Volusia Motorsports are dealer operator(s): Eric Peronnard, 315 Sweet Bay, New Smyrna, Florida 32168, and Carol Nordstrom, 315 Sweet Bay, New Smyrna, Florida 32168; principal investor(s): Eric Peronnard, 315 Sweet Bay, New Smyrna, Florida 32168, and Carol Nordstrom, 315 Sweet Bay, New Smyrna, Florida 32168.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael W. Malone, VP Finance, CFO, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340-9770.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Motor Sports of America of New Jersey, Inc., intends to allow the establishment of All The Wheel Toys, Inc., as a dealership for the sale of WUXI Futong motorcycles at 1540 Northwest Federal Highway, Stuart (Martin County), Florida 34994, on or after December 22, 2006.

The name and address of the dealer operator(s) and principal investor(s) of All The Wheel Toys, Inc., are dealer operator(s): Mark Mourning, 1540 Northwest Federal

Highway, Stuart, Florida 34994; principal investor(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: James Pizzo, President, Motor Sports of America of New Jersey, Inc., P. O. Box 334, Mount Royal, New Jersey 08061.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of Pierce Auto Sales as a dealership for the sale of Zhejiang Lingyon (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG), and Jiangso Linhai (LINH) motorcycles at 1511 Delaware Avenue, Lynn Haven (Bay County), Florida 32444, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Pierce Auto Sales are dealer operator(s): Lon H. Pierce, 1511 Delaware Avenue, Lynn Haven, Florida 32444; principal investor(s): Lon H. Pierce, 1511 Delaware Avenue, Lynn Haven, Florida 32444.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of The Car Lot as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 3114 West Tennessee Street, (Leon County) Tallahassee, Florida 32304, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of The Car Lot are dealer operator(s): KC Brown, 3114 West Tennessee Street, Tallahassee, Florida 32304; principal investor(s): KC Brown, 3114 West Tennessee Street, Tallahassee, Florida 32304.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**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."

AGENCY FOR HEALTH CARE ADMINISTRATION

**SECOND NOTICE OF BATCHED APPLICATION RECEIPT
AND SECOND PUBLICATION OF NOTICE OF
TENTATIVE PUBLIC HEARINGS**

In addition to the applications received and accepted on November 22, 2006, which were listed on pages 5243 and 5244 of the December 8, 2006 edition of the F.A.W., the Agency for Health Care Administration has received and accepted, via settlement agreement, the following two additional Certificate of Need applications for review in the batched Other Beds and Programs review cycle with an application due date of November 22, 2006.

County: Escambia District: 1
CON # 9971 Application Receipt Date: 11/22/2006
Facility/Project: Regency Hospice of Northwest Florida, Inc.
Applicant: Regency Hospice of Northwest Florida, Inc.
Project Description: Establish a hospice program

County: Manatee District: 6
CON # 9972 Application Receipt Date: 11/22/2006
Facility/Project: Samaritan Care Hospice of Manatee, Inc.
Applicant: Samaritan Care Hospice of Manatee, Inc.
Project Description: Establish a hospice program

If requested a public hearing may be granted, pursuant to Section 408.039, Florida Statutes. Public hearing requests must be in writing and be received at: Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention Karen Rivera, by 5:00 p.m., January 26, 2007.

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 INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of Rule 62-296.513,

F.A.C., to the Lockheed Martin Aeronautics Company, an aerospace parts and components manufacturing facility located at 9300 28th Street North, Pinellas Park, Florida (File No.06-2014) to allow relief from compliance with the volatile organic compound (VOC) reasonably available control technology (RACT) requirements of Rules 62-296.513, Florida Administrative Code (F.A.C.). The final order requires the petitioner to comply with the VOC content limits contained in the United States Environmental Protection Agency (U.S. EPA) Aerospace Industry Control Technology Guideline (Aerospace CTG) document titled "Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations" (EPA-453/R-97-004). The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Division of Air Resource Management, Office of Policy Analysis and Program Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32301, (850)921-9556.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S., is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a

request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)(4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DEPARTMENT OF HEALTH

On December 29, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Anthony Charles Gray, L.M.T., license number MA 3836. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 22, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Joseph M. Hernandez, M.D., license number ME 44356. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 27, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Stephanie Lavell Hadley, L.P.N., license number PN 5159964.

This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 26, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Norma Denise Jackson, R.N., license number RN 3378882. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 29, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Gayle E. Barrett Mele, R.N., license number RN 1175522. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 27, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Martha D. Peterson-Maxey, L.P.N., license number PN 5158870. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 26, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Brenda Frances Rabbitt, R.N., license number RN 1753432. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 29, 2006, M. Rony Francois, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jonathan Unger, R.N., license number RN 9236469. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2006-2965

In Re: The Receivership of DOCTORCARE, INC., a Florida Health Maintenance Organization.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH DOCTORCARE, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 27th day of November, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of DOCTORCARE, INC. and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of DOCTORCARE, INC., shall present such claims to the Receiver on or before 11:59 p.m., on Monday, December 3, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for DOCTORCARE, INC., Post Office Box 110, Tallahassee, Florida 32302-0110. You may also access the following Internet site for more information: www.floridainsurancereceiver.org.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 2, 2007):

Name and Address of Applicant: University Credit Union, Post Office Box 248133, Coral Gables, Florida 33124

Expansion Includes: Geographic area

Received: December 26, 2006