

3. Confirmation that the firm is not de-barred from doing business with the State of Florida or the federal government and a copy of the firm's most recent peer review report.
4. Identification of any current clients which may present a conflict of interest with conducting work on behalf of the Association or Plan.
5. A brief outline of how the firm would conduct its scope of services, including a timeline for completion of the audit.
6. Estimated costs for the annual financial audit and tax services as well as any pricing schedules by level of personnel for additional services that may be required.
7. A detailed description and plan for an orderly transition should be provided as a part of any response.
8. Any other information deemed relevant or important for NICA to consider.

Additional information may be requested for any or all of the responding entities.

The Association reserves the right to reject any or all proposals. Selection of any firm is solely at the discretion of the Association. The Association is not subject to the bid requirements of the State of Florida.

Proposals will be reviewed as received and interested parties are encouraged to submit such no later than August 21, 2009.

Five copies of the proposal should be sent to:

Tim Daughtry
 Deputy Director
 NICA
 P. O. Box 14567
 Tallahassee, Florida 32317-4567
 Or via email to:
 tdaughtry@nica.com

If you have any questions or would like additional information, please feel free to contact: NICA's Executive Director, Kenney Shipley at kshipley@nica.com or (850)488-8191.

CLARK CONSTRUCTION GROUP, LLC

Lowell Reception Center – Potable Water Wells

Clark Construction Group, LLC, the Construction Manager for the Lowell Reception Center to be constructed in Marion County, Florida, will be receiving bids in the Field Office of Clark Construction Group, LLC, 11496 N. W. Gainesville Road, Ocala, Florida 34482, 2:00 p.m. (EDT), Tuesday, August 4, 2009, for the following Bid Package:

- Bid Package 2F – Potable Water Wells
 Potential Bidders must be pre-qualified with Clark Construction. Interested bidders may inquire about this project or get a pre-qualification form by contacting: Stacy Chuang via email at stacy.chuang@clarkconstruction.com or by phone at (813)636-4422.

The total dollar value of the above referenced Bid Package is approximately \$450,000. The total dollar value of the entire project is approximately \$99,000,000.

Bidders will be required to furnish a Bid Bond in the amount of 5% of the bid value for all bids in the amount of \$100,000 or greater.

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

Special Category Grants Program Solicitation of Applications
 On July 1, 2009, the Florida Historical Commission voted in favor of a second rollover of applications submitted in 2008 for the 2009 Special Category grants. This vote in favor of the rollover will cancel the previously scheduled 2011 Special Category cycle (July 1 – August 31, 2009), and new applications will not be accepted this year. Only updated 2008 rollover applications will be eligible for submission.

Small Matching Grant applications will be available online on October 1, 2009 with a deadline of December 15, 2009 for submission of applications.

The next Special Category grant cycle will begin July 1, 2010 with applications due by August 31, 2010.

For additional information, please call the Bureau of Historic Preservation at 1(800)847-7278.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Division of Emergency Management is providing you with notification of its intent to open the Fiscal Year 2009-2010 application cycle for competitive awards from the State Homeland Security Grant Fund Citizen Corps and Community Emergency Response Teams Programs. The applications will be available on-line July 17, 2009 at: www.floridadisaster.org/CitizenCorps. The submission deadline is August 27, 2009, and the intent to award will be posted on the Citizen Corps webpage no later than September 17, 2009.

The Department encourages all eligible regional or local governments, Fire Tax Districts, other taxing or special districts, school districts, and Native American Tribes or nations within the State of Florida with projects that will enhance community response capabilities to apply for funds during this open period.

RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – COMPETITIVE GRANT PROGRAM

Notice of Fund Availability (NOFA)

and Request for Proposals (RFP) – SFY 2009-2010

The Division of Emergency Management is providing you with notification of its intent to open the State Fiscal Year 2009-2010 application cycle for competitive grant awards from the Residential Construction Mitigation Program (RCMP). Funding is dependent upon an allocation by the Legislature. Approximately \$2,368,893 is available for competitive grants and contracts in SFY 2009- 2010.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP statutory program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications; however, no single application shall seek or receive an award in excess of \$100,000 per state fiscal year/application, unless otherwise noted in the priorities or program areas. All eligible applicants shall be limited to no more than three (3) application submissions in a state fiscal year and additionally one (1) application submission per category.

The Division encourages all interested and eligible parties with projects that will enhance residential wind mitigation in Florida to apply for awards during this open period in the following four (4) categories. Applicants may submit applications that address more than one priority; however, they must indicate the PRIMARY Priority Category that is addressed by the proposal.

APPLICATION CATEGORIES:

Applications are accepted in the following four categories:

1. Residential Mitigation Retrofit Program (Retrofit Program): Assistance to primarily low and moderate-income residents, which promotes wind mitigation (including retrofits, education, inspections and related activities). All retrofit or other installation of mitigation devices on residential structures MUST comply with the Blueprint for Safety Standard (BFS). The link to BFS: <http://www.blueprintforsafety.org>.

All contractors or installation personnel must be BFS certified.

Retrofits/Installations should be ‘systemic’, i.e. not just shutters, or just roof improvements, but a system that ties together all aspects of wind mitigation/BFS, to the maximum degree possible on the structure to be retrofitted. Where a systemic approach cannot be implemented, this must be clearly justified (i.e., structure has already been partially mitigated or structure does not otherwise require or cannot accept all aspects of BFS). Funding is on the basis of 75%/25%, match may be in-kind or direct. Recipients MUST include pre and post

inspections to determine the scope of work and to certify completion. Recipients may contract for installation of BFS compliant retrofits or make allocations to homeowners for retrofit work, to be inspected and certified under the auspices of the subgrantee and the RCMP.

2. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans and compliance with the State Hazard Mitigation Plan.
3. Projects, which enhance program effectiveness, measurement and attainment of, project goals and recommendations for improvement.
4. Other projects that will further wind mitigation/RCMP objectives, which have been designated by the Program as priorities in the applicable Notice of Fund Availability/RFP.

Priority Areas:

- A) Projects which implement wind mitigation/projects as identified in the State Hazard Mitigation Plan (SHMP)/(applicable) Local Mitigation Strategy (LMS) and are clearly identified as projects/programs which can be initiated and completed within the grant contract period. The applicant must make clear reference with citations to the applicable sections of the SHMP and provide a copy of the Local Mitigation Strategy priority initiative list reflecting inclusion of their project(s). An endorsement letter from the chair of the county Local Mitigation Strategy Committee or county Director of Emergency Management must be provided. Low/Moderate Income Retrofits are included in this priority area; ‘leveraging’ of CDBG, SHIP, HMGP, FMA funds or similar funding streams with RCMP funding is encouraged.
- B) Projects, which will provide for product testing, measurement or enhancements, which will improve, wind mitigation in residential structures.
- C) Projects, which will address the effectiveness of early warning systems.
- D) Projects, which promote residential wind mitigation through the code, trade or construction industries, including related or affiliated programs and organizations.

Applications must identify which priority is being addressed; multiple priorities may be addressed, but a PRIMARY priority must be identified.

TO DOWNLOAD SECTION 215.559, FLORIDA STATUTES, APPLICATION PACKET AND related information please visit our website at: <http://www.florida-disaster.org/Mitigation/RCMP/index.htm>.

Applications must be prepared in conformance with the application packet instructions. Applications must be received on or before August 17, 2009, 4:00 p.m. (Local Time), at the address below:

Shemeeka Hopkins, Planning Manager
 Florida Division of Emergency Management
 Attention: RCMP
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA09-OR-251

In Re: LAND DEVELOPMENT REGULATIONS
 ADOPTED BY CITY OF KEY WEST
 ORDINANCE NO. 09-07

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6) and (11), Florida Statutes, (2008), 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 May 6, 2009 the Department received for review City of Key West Ordinance No. 09-07, which was adopted by the City of Key West City Commission on May 5, 2009, ("Ord. 09-07"). The purpose of Ord. 09-07 is to amend Part B, Land Development Regulations, Chapter 108, Article X, Building Permit Allocation and Vested Rights, Division 1, Sections 108-986, 108-987, 108-988, 108-989, 108-991, 108-992, 108-993, and 108-994; Division 2, Sections 108-1026, 108-1027, 108-1028; Division 3, Sections 108-1056, 108-1057, 108-1058, 108-1059, 108-1060, 108-1061, and 108-1062; Division 4, Sections 108-1091, 108-1092, 108-1093, 108-1094, 108-1095, 108-1096, 108-1097, 108-1098, 108-1099 and 108-1100 of the Code of Ordinances to amend the Building Permit Allocation System (BPAS).
3. Ord. 09-07, with the exception of the following Sections, is consistent with the City's Comprehensive Plan: Sections 108-987(5), units generating from hurricane evacuation modeling and determined to be consistent with the Comprehensive Plan and Principles for Guiding Development; 108-994, 4. Units generating from hurricane evacuation modeling and determined to be consistent with the Comprehensive Plan and Principles for Guiding Development; and 108-996, allocations for beneficial use pursuant to Section 108-998 shall be for a period of five years during which time a building permit must be obtained. A single two year extension of a beneficial use allocation may be granted by the Administrative Official prior to the expiration of the allocation. Unused units will be returned to the system for reallocation.

4. The above identified portions of Ord. 09-07, Sections 108-987(5), 108-994, 4., and 108-996 are not derived from and inconsistent with the City of Key West Comprehensive Plan Policy 1-3.12.1. The proposed revisions to the BPAS do not relate only to the existing allocation that originated with the 1990 City of Key West Comprehensive Plan and can not be approved until a new Comprehensive Plan BPAS allocation is adopted by Ordinance. Data and analysis accompanying the above referenced Sections 108-987(5), 108-994, 4., and 108-996 was found insufficient.
5. The above identified portions of Ord. 09-07, Sections 108-987(5), 108-994, 4., and 108-996 are inconsistent with the City's Comprehensive Plan Objective 1-3.12: Managing Building Permit Allocation; Policy 1-3.12.1: Establishing a Building Permit Allocation Ordinance; Objective 2.1.7: Traffic Circulation and Hurricane Evacuation; Policy 5-1.6.4: Rate of Growth and Hurricane Evacuation; and Policy 8-1.1.3 Coordination of Development and Growth Management Issues.

CONCLUSIONS OF LAW

6. 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, (2008).
7. The City of Key West is an Area of Critical State Concern. Section 380.05, Florida Statutes (2008) and Rule 28-36.001, Florida Administrative Code.
8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 09-07 are land development regulations.
9. 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.
10. The above identified portions of Ord. 09-07, Sections 108-987(5), 108-994, 4., and 108-996, are inconsistent the following Principles:
 - (a) Strengthen local government capabilities for managing land use and development.
 - (c) Minimize the adverse impacts of development on the quality of water in and around the City of Key West and throughout the Florida Keys.

(h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida Resource.

11. Ord. 09-07, with the exception of the above identified Sections 108-987(5), 108-994, 4., and 108-996, promotes and furthers the following Principles in subsection 28-36.003(1), Florida Administrative Code:

(a) Strengthen local government capabilities for managing land use and development.

(e) Protection of historical heritage of Key West and the Key West Historical Preservation District.

(h) To protect the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

12. Ord. 09-07, with the exception of the above identified Sections 108-987(5), 108-994, 4., and 108-996, is not inconsistent with the remaining Principles and is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 09-07, with the exception of the above identified Sections 108-987(5), 108-994, 4., and 108-996, is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

WHEREFORE, IT IS ORDERED that the above identified Sections 108-987(5), 108-994, 4., and 108-996, are found to be inconsistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and are hereby REJECTED.

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.

CHARLES GAUTHIER, AICP
Director, 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 30th day of June, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Morgan McPherson
Mayor, City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Amy Kimball-Murley, AICP
Planning Director
City of Key West
P. O. Box 1409
Key West, Florida 33041

Larry Erskine
City Attorney
P. O. Box 1409
Key West, FL 33041

DCA Final Order No.: DCA09-OR-246

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-07

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-07 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-07"). The purpose of Ord. 2009-07 is to amend Section 107.09 (B)(1) of the Land Development Regulations to reflect the revised evaluation criteria of the Residential Building Permit Allocation System established in Comprehensive Plan Policy 1-3.5.3.
3. Ord. 2009-07 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.3 Residential Building Permit Allocation System; Policy 1-2.2.3 Reduce Potential Loss of Life and Property Damage; and Objective 1-3.5 Manage Growth Rate within the City.

CONCLUSIONS OF LAW

4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-07 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-07 is consistent with the following Principle:

(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.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(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.

- 9. Ord. 2009-07 is neutral with respect to the remaining Principles. Ord. 2009-07 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-07 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.

CHARLES GAUTHIER, AICP
Director, 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 31-106.201(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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-247
In Re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-08 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-08"). The purpose of Ord. 2009-08 is to amend Section 107.09 (B)(2) of the Land Development Regulations to reflect the revised scoring criteria of the Commercial Building Permit Allocation System established in Comprehensive Plan Policy 1-3.5.7.
3. Ord. 2009-08 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.7 Commercial Building Permit Allocation System; Policy 1-2.2.3 Reduce Potential Loss of Life and Property Damage; and Objective 1-3.5 Manage Growth Rate within the City.

CONCLUSIONS OF LAW

4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-08 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-08 is consistent with the following Principle:

(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.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(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.

- 9. Ord. 2009-08 is neutral with respect to the remaining Principles. Ord. 2009-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-08 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.

CHARLES GAUTHIER, AICP
Director, 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 31-106.201(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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-248

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-10

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-10 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-10"). The purpose of Ord. 2009-10 is to amend Section 107.08 of the Land Development Regulations to allow for the recapture of a BPAS allocation or building permit issued pursuant to a BPAS allocation in the event the allocation or permit expires or is voided.
3. Ord. 2009-10 is consistent with the City's 2010 Comprehensive Plan: Objective 1-3.5 Manage Growth Rate within the City; and Policy 1-3.5.2 Residential Allocation Rollover.

CONCLUSIONS OF LAW

4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-10 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-10 is consistent with the following Principle:

(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.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

- 9. Ord. 2009-10 is neutral with respect to the remaining Principles. Ord. 2009-10 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-10 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.

CHARLES GAUTHIER, AICP
Director, 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.

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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 31-106.201(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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.
Suite 2200, Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-249

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-11

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
- 2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-11 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-11"). The purpose of Ord. 2009-11 is to amend Section 103.12 A, and Section 103.15.1 of the Land Development Regulations to re-establish Recreational Vehicle Park as an allowed use in the Residential-Mobile Home Zoning District.
- 3. Ord. 2009-11 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.2.6 Restrict Development of New Transient Units; Policy 1-3.1.4 Future Land Use Categories; Objective 1-3.4 Protect Established Uses, Densities, and Intensities; and Policy 1-3.4.1 Protect Established Residential Densities.

CONCLUSIONS OF LAW

- 4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
- 5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-11 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
- 8. Ord. 2009-11 is consistent with the following Principle:
(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.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

9. Ord. 2009-11 is neutral with respect to the remaining Principles. Ord. 2009-11 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-11 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.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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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.

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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 31-106.201(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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-244

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-12

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-12 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-12"). The purpose of Ord. 2009-12 is to amend Section 107.18 C of the Land Development Regulations to reduce the Affordable

Housing Program Fund in-lieu payment option from thirty percent to ten percent that is associated with the transfer of building rights.

3. Ord. 2009-12 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.16, Institute a program for Transfer of Density and Building Rights; and Chapter Two Housing Element, Purpose.

CONCLUSIONS OF LAW

4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-12 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-12 is consistent with the following Principle:
 - (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.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 2009-12 is neutral with respect to the remaining Principles. Ord. 2009-12 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-12 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.

CHARLES GAUTHIER, AICP
Director, 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.

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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 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
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10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
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 10045-55 Overseas Highway
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Mike Puto
 City Manager
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050

Jimmy Morales, Esq.
 Stearns Weaver Miller Weissler
 Alhadeff & Sitterson, P.A.
 Suite 2200 Museum Tower
 150 West Flagler Street
 Miami, Florida 33130

Final Order No.: DCA09-OR-245

In Re: CITY OF MARATHON LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 2009-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statute (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-13 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-13"). The purpose of Ord. 2009-13 is to amend Section 104.25 of the Land Development Regulations to provide the City the option to allow an exception to the affordable housing requirement for hotel and motel renovation or redevelopment that is a replacement of existing facilities to include the same number of units and within ten-percent of the existing floor area.
3. Ord. 2009-13 is consistent with the City's 2010 Comprehensive Plan: Objective 1-3.3 Encourage Redevelopment; Policy 1-3.3.1 General Redevelopment

Criteria; Policy 1-3.3.5 Encourage Redevelopment of Tourist/Resort/Campground Facilities; and Chapter Two-Housing Element.

CONCLUSIONS OF LAW

4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-13 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-13 is consistent with the following Principle:
 - (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.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 2009-13 is neutral with respect to the remaining Principles. Ord. 2009-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-13 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.

CHARLES GAUTHIER, AICP
Director, 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 31-106.201(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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-250

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-15

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), 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 the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 15, 2009, the Department received for review City of Marathon Ordinance No. 2009-15 that was adopted by the City of Marathon Board of City Commissioners on April 14, 2009 ("Ord. 2009-15"). The purpose of Ord. 2009-15 is to amend Table 103.00.1, Table 103.15.1, and Table 103.15.2 of the Land Development Regulations, amend the Name of the Public Facility Future Land Use Designation to Public Uses and providing for Affordable Density in certain zoning districts, and to correct errors in Density Calculations.
3. Ord. 2009-15 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.2.1 Allocated Density Defined; Policy 1-3.1.4 Future Land Use Categories; and Policy 1-3.2.7 Restrict Density and Intensity of Development.

CONCLUSIONS OF LAW

4. 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. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), 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 (2008). The regulations adopted by Ord. 2009-15 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2009-15 is consistent with the following Principle:

(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.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(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.

9. Ord. 2009-15 is neutral with respect to the remaining Principles. Ord. 2009-15 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-15 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.

CHARLES GAUTHIER, AICP
Director, 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 31-106.201(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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
 Stearns Weaver Miller Weissler
 Alhadeff & Sitterson, P.A.
 Suite 2200 Museum Tower
 150 West Flagler Street
 Miami, Florida 33130

Final DCA Order No.: DCA09-OR-252

In Re: LAKE COUNTY LAND DEVELOPMENT
 REGULATIONS APPROVED BY
 LAKE COUNTY ORDINANCE NO. 2009-21

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. Section 380.0551(1), Florida Statutes (2008).
2. On May 8, 2009, the Department received for review Lake County Ordinance 2009-21 ("Ord. No. 2009-21") adopted by the Lake County Board of County Commissioners on April 21, 2009.
3. Ord. No. 2009-21 amends Section 3.11.04, Termination of Nonconforming Uses and Development, Lake County Land Development Regulations; amends Section 3.13.09A, Communication Antenna Co-Location; amend Section 3.13.12, Modification or Rebuilding; and making all changes for the purpose of exemption Amateur Radio Towers and Receive Only Antennae from the provisions allowing co-location of additional communications antennae on existing communications towers.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Section 380.05(6) and (11), Florida Statutes (2008).
5. Lake County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, 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 (2008). The regulations adopted by the Ordinances 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 that area. 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 guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2009-21 is furthers the Green Swamp Principles in Rule 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved, and is not inconsistent with the Principles as a whole.
9. Ord. No. 2009-21 is generally consistent with Lake County Comprehensive Plan Goals and Policies; however, there is no specific policy that addresses this matter. The amendment is internally consistent with the code of regulations.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2009-21 is consistent with the Principles for Guiding Development of the Green Swamp 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.

CHARLES GAUTHIER, AICP
 Director, 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.

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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.

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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 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 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Sanford A. Minkoff
County Attorney
Lake County
P.O. Box 7800
Tavares, FL 32778-7800

Neil Kelly
Clerk of the Board of County
Commissioners of Lake County
P. O. Box 7800
Tavares, FL 32778-7800

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Eco Green Machine, LLC, as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 7000 Park Boulevard, Suite A, Pinellas Park (Pinellas County), Florida 33781, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC are dealer operator(s): Patcharee Clark, 7000 Park Boulevard, Suite A, Pinellas Park, Florida 33781; principal investor(s): Patcharee Clark, 7000 Park Boulevard, Suite A, Pinellas Park, Florida 33781.

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, 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: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

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, notice is given that LC3, Inc., intends to allow the establishment of Fairway Golf Carts, LLC, as a dealership for the sale of LC3, Inc. low speed vehicles (LCCC) at 993 Florida Drive, Palm Harbor (Pinellas County), Florida 34683, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fairway Golf Carts, LLC are dealer operator(s): Justin Gleichowski, 993 Florida Drive, Palm Harbor, Florida 34683; principal investor(s): Dan Gleichowski, 993 Florida Drive, Palm Harbor, Florida 34683.

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, 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: Matt Faley, LC3, Inc., 4007 Engleton Drive, Fort Wayne, Indiana 46808.

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, notice is given that Valley Scooters, LLC, intends to allow the establishment of Road Power USA, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 927 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Road Power USA, LLC are dealer operator(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250.

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, 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: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

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, notice is given that Valley Scooters, LLC, intends to allow the establishment of Road Power USA, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 927 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Road Power USA, LLC are dealer operator(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250.

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, 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: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

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, notice is given that Italica Motors, Inc., intends to allow the establishment of Veruccino Motors, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2801 North State Road 7, Hollywood (Broward County), Florida 33021, on or after July 2, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Veruccino Motors, Inc. are dealer operator(s): Acosta Isidro, 2801 North State Road 7, Hollywood, Florida 33021; principal investor(s): Acosta Isidro, 2801 North State Road 7, Hollywood, Florida 33021 and Lianis Martinez, 2801 North State Road 7, Hollywood, Florida 33021.

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, 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: Adriana De Lima, Italica, Motors, Inc., 5001 Southwest 135 Avenue, Miramar, Florida 33027.

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."

LAND AND WATER ADJUDICATORY COMMISSION

RECEIPT OF PETITION TO MERGE THE SEVEN OAKS
COMMUNITY DEVELOPMENT DISTRICT I AND THE SEVEN
OAKS COMMUNITY DEVELOPMENT DISTRICT II

On June 16, 2008, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to merge the Seven Oaks Community Development District I and the Seven Oaks Community Development District II. The petition was supplemented with additional information. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition, as supplemented, filed by the Seven Oaks Community Development District I (“Seven Oaks CDD I”) and the Seven Oaks Community Development District II (“Seven Oaks CDD II”) (together, “Petitioners”), requests the merger of the Seven Oaks CDD I and the Seven Oaks CDD II. On January 14, 2009, the Seven Oaks CDD I and the Seven Oaks CDD II adopted resolutions approving a amended merger agreements. The amended merger agreements, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The amended merger agreements are contained as Second Supplemental Exhibit K-1 to the petition, as supplemented. The proposed merged District is located entirely within the unincorporated area of Pasco County, Florida and contains approximately 1,759 acres. Petitioners represent the resolutions approving the merger agreements, as amended, and the approved merger agreements for merger of the Districts by the Petitioners’ board of supervisors elected by the electors of the district constitutes consent to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II. Both Seven Oaks CDD I and Seven Oaks CDD II are completely built out and there is no additional construction planned for either of the districts.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge the Seven Oaks CDD I and the Seven Oaks CDD II. The complete text of the SERC is contained as Exhibit H to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the proposed merged District, the State of Florida and its residents, Pasco County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under Section (b), FLWAC and the State of Florida will incur administrative

costs. Pasco County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the proposed merged District. There is a filing fee paid to Pasco County to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II will not have any negative impact on State and local revenues. Addressing Section (c), to fund the cost of maintaining improvements owned by the District, operation and maintenance assessments may be imposed on the proposed merged District owners. As with special assessments for improvements acquisition and construction, the property owner will be responsible for payment of assessments on the basis of the amount of benefited property owned. Under section (d), approval of the petition to merge the Seven Oaks CDD I and the Seven Oaks CDD II will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties a Pasco County is not a small county as defined by Section 120.52, F.S. Under section (e), the data utilized in the SERC was provided by the developer/petitioner and represents the best information available at this time.

A LOCAL HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, July 16, 2009, 9:30 a.m.
PLACE: Office of Rizzetta & Company, Inc.
 5844 Old Pasco Road
 Suite 100
 Wesley Chapel, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Mark Straley, Straley & Robin, 101 East Madison Street, Suite 300, Tampa, Florida 33602, (813)223-9400 at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Mark Straley, Straley & Robin, 101 East Madison Street, Suite 300, Tampa, Florida 33602, (813)223-9400, or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

RECEIPT OF PETITION TO MERGE THE SPLIT PINE COMMUNITY DEVELOPMENT DISTRICT AND THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT

On March 23, 2009, the Florida Land and Water Adjudicatory Commission (“FLWAC” or “Commission”) received a petition to merge the Split Pine Community Development District and the Tolomato Community Development District. The petition was supplemented with additional information. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition, as supplemented, filed by the Split Pine Community Development District (“Split Pine CDD”) and the Tolomato Community Development District (“Tolomato CDD”) (together, “Petitioners”), requests the merger of the Split Pine CDD and the Tolomato CDD. Pursuant to Resolutions 2009-01 and 2009-04 adopted by the Board of Supervisors of the Tolomato CDD, and on October 2, 2008 and April 16, 2009, respectively, the Tolomato CDD authorized the merger of the Tolomato CDD and the Split Pine CDD, and approved a merger agreement (“Merger Agreement”). Pursuant to Resolutions 2009-01 and 2009-05 adopted by the Board of Supervisors of the Split Pine CDD, and on October 2, 2008 and April 16, 2009, respectively, the Split Pine CDD authorized the merger of the Tolomato CDD and the Split Pine CDD, and approved the Merger Agreement. Among other things, the Merger Agreement makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The Merger Agreements, as approved by Tolomato CDD and Split Pine CDD, are contained at Exhibits 1A and 1B to the petition, as supplemented. Split Pine CDD currently covers approximately 2,014.98 acres of land located entirely within Duval County, Florida, and the City of Jacksonville limits. Split Pine CDD is generally located in the southeastern corner of Duval County, east of US Highway 1. Tolomato CDD currently covers approximately 11,355.06 acres of land located entirely within St. Johns County, Florida. Tolomato CDD is generally located in northeastern St. John’s County between Jacksonville and St. Augustine, east of US Highway 1. General location maps, and metes and bounds descriptions, are contained as Exhibits 3 and 4 to the petition, as supplemented. Petitioners have written consent to merge the boundaries of the Split Pine CDD and the Tolomato CDD from the owners of one hundred percent of the land within the existing districts.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge the Split Pine CDD and the Tolomato CDD. The complete text of the SERC is contained as Exhibit 12 to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by

Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the merged District, the State of Florida and its residents, Duval County/City of Jacksonville, and St. Johns County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Duval County/City of Jacksonville and St. Johns County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a filing fee paid to St. Johns County and the City of Jacksonville to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Split Pine CDD and the Tolomato CDD will not have any negative impact on State and local revenues. Addressing section (c), the operation and maintenance responsibilities assumed by the City of Jacksonville and St. Johns County will not vary from the original arrangements between the respective jurisdiction and the existing Districts. The same public infrastructure previously planned for the existing Districts will also support the development of the land within the proposed merged District. All properties within the proposed merged district will be encumbered with obligations to pay for public infrastructure and operations and maintenance expenses incurred by the proposed merged District. However, no new costs are expected to arise as a result of the merger that would not have arisen under the existing Districts. The capital improvement program (CIP) for the proposed merged district will likely be very similar to the combined CIPs adopted by each of the Split Pine and Tolomato CDDs. Assessments securing repayment of previously issued bond issuances will not be affected by the merger of the Districts. The proposed merged District will assume assessment collection and enforcement responsibilities from the existing Districts. The proposed merged District may issue future special assessments or other revenue bonds in order to raise funds for completion of infrastructure improvements. Under section (d), approval of the petition to merge the Split Pine CDD and the Tolomato CDD will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties as neither Duval or St. Johns Clay County are small counties as defined by Section 120.52, F.S. Under Section (e), the merger is expected to lead to the reduction or elimination of redundant meetings, paperwork, and expenses and is expected to produce direct cost savings to the proposed merged District. The proposed merged District will likely be able to reduce its non-ad valorem assessment collections and still achieve its goal of providing appropriate public infrastructure facilities and services.

A LOCAL HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, July 7, 2009, 10:00 a.m.

PLACE: Ponte Vedra Beach Library
Community Room
101 Library Boulevard
Ponte Vedra Beach, Florida

AND ON

DATE AND TIME: Tuesday, July 7, 2009, 3:00 p.m.

PLACE: Baymeadows Residence Inn Marriott
8365 Dix Ellis Trail
Jacksonville, Florida

The above referenced hearings will be continued on the record to further allow all persons to have an opportunity to present evidence and argument on all issues involved.

THE CONTINUED LOCAL HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 27, 2009, 11:00 a.m.

PLACE: Ponte Vedra Beach Library
Community Room
101 Library Boulevard
Ponte Vedra Beach, Florida

AND ON

DATE AND TIME: Monday, July 27, 2009, 2:00 p.m.

PLACE: Baymeadows Residence Inn Marriott
8365 Dix Ellis Trail
Jacksonville, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Cheryl Stuart or Jere Earlywine, Hopping Green & Sams, 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, (850)222-7500, two days prior to the hearings in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition, or information about the date, time, and location of the continued hearings (if applicable), may be obtained by contacting: Cheryl Stuart or Jere Earlywine, Hopping Green & Sams, 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, (850)222-7500, or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for an emergency service exemption from North Okaloosa Medical Center located at 151 Redstone Avenue Se, Crestview, FL 32539 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Orthopedics, Neurology, Podiatry and Urology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail: youngj@ahca.myflorida.com.

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."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On June 30, 2009, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501 and 403.52 et seq., Florida Statutes, concerning Florida Power and Light Company's, Turkey Point Nuclear Units 6 and 7, Power Plant Siting Application No. PA03-45A3, OGC Case No. 09-3107. The Department is reviewing the application to allow construction and operation of two 1100 megawatt nuclear electrical generating units located in Miami-Dade County and to allow construction and operation of 230 and 500 kilovolt transmission lines connecting the proposed Clear Sky substation to various other existing FPL substations in Miami-Dade County. The total length of the proposed transmission line corridors to be certified is approximately 89 miles. A copy of the application for certification is available for review in the office: Mike P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 48,

Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.507, F.S., and Rule 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S. as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by: Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those

whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: West County Energy Center, Power Plant Siting Application No. PA05-47B, OGC Case No. 09-2865. On June 1, 2008 the Department received a petition to modify the Conditions of Certification for West County Energy Center from Florida Power and Light pursuant to Section 403.516(1)(c), Florida Statutes, to determine that the use of reclaimed water is feasible, to use reclaimed water as the primary source of water for all three units and to provide a backup supply of water to the plant from the Floridan Aquifer. The Department proposes to modify the Conditions of Certification for the use of reclaim water and provision of a backup supply of water to the plant from the Floridan Aquifer. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the

modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Chapter 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON AN INITIAL PLAN OF EXPLORATION FOR FEDERAL WATERS OF THE CENTRAL GULF OF MEXICO PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Murphy, for Desoto Canyon Blocks 578 and 622, was received by the State of Florida. Proposed activities include drilling up to four exploration wells in approximately 8,200 feet of water located approximately 130 miles south of Alabama.

The plan is available for inspection at: Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS #47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by July 31, 2009. Contact: Shana Kinsey or Debby Tucker at (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On July 6, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Christopher William Conaway, M.D., License #ME 42102. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 1, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Antron R. Foster, C.N.A. License #CNA 168936. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of David Lee Main, R.N. License #RN 9178876. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 29, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jason Leon Noyes, L.P.N. License #PN 5164850. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Lashawnda D. Wiggins, C.N.A. License #CNA 112340. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 1, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Leon J. Martinez, Optician. License #4107. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation ("Florida Housing") announces the availability of funds for the Homeownership Pool (HOP) Program.

It is anticipated that approximately \$10,000,000 in funding will be made available in three separate releases to eligible homebuyers under this program. Funding will be awarded in accordance with Rule Chapter 67-57, F.A.C.

The following set-aside will apply:

100% Self-Help Housing

Funding will be made available in the form of reservations for eligible homebuyers on a first-come, first-served basis. Any unreserved funds may be reallocated as necessary.

For more information on the HOP Program, including Rule Chapter 67-57, F.A.C., please access Florida Housing's website at <http://www.floridahousing.org> or contact: Bridget Warring at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.
