

from the process at the discretion of the Director of Architecture and Construction. All interested parties are invited to attend.

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

**Section XII
Miscellaneous**

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 Bad Boy MTV, Inc., intends to allow the establishment of Sarasota Fun Machines, Inc., as a dealership for the sale of low-speed vehicles manufactured by Bad Boy MTV, Inc. (line-make BDBY) at 4583 Clark Road, Sarasota (Sarasota County), Florida 34233, on or after July 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Sarasota Fun Machines, Inc., are dealer operator(s): Francis Vespa, 13260 North Branch Road, Sarasota, Florida 34240; principal investor(s): Edward A. Gurry, Jr., 5310 Hidden Harbor Road, Sarasota, Florida 34242 and Virginia B. Gurry, 5310 Hidden Harbor Road, Sarasota, Florida 34242.

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: Ryland Kieffer, Bad Boy MTV, Inc., 102 Industrial Drive, Batesville, Arkansas 72501.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

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

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds and Programs review cycle with an application due date of May 16, 2012.

County: Lake District: 3
CON # 10140 Application Receipt Date: 5/16/2012
Facility/Project: Compassionate Care Hospice of Lake and Sumter, Inc.

Applicant: Compassionate Care Hospice of Lake and Sumter, Inc.

Project Description: Establish a new hospice program
County: Lake District: 3
CON # 10141 Application Receipt Date: 5/14/2012
Facility/Project: Harbor Light Hospice of Florida, Inc.

Applicant: Harbor Light Hospice of Florida, Inc.

Project Description: Establish a new hospice program
County: Lake District: 3
CON # 10142 Application Receipt Date: 5/15/2012
Facility/Project: Hospice of Marion County, Inc.

Applicant: Hospice of Marion County, Inc.
Project Description: Establish a new hospice program
County: Lake District: 3
CON # 10143 Application Receipt Date: 5/15/2012
Facility/Project: Passages Hospice of Central Florida, Inc.

Applicant: Passages Hospice of Central Florida, Inc.
Project Description: Establish a new hospice program
County: Lake District: 3
CON # 10144 Application Receipt Date: 5/11/2012
Facility/Project: VITAS Healthcare Corporation of Florida

Applicant: VITAS Healthcare Corporation of Florida
Project Description: Establish a new hospice program
County: Palm Beach District: 9
CON # 10145 Application Receipt Date: 5/14/2012
Facility/Project: Sara's Hospice

Applicant: Sara's Hospice, Inc.
Project Description: Establish a new hospice program
County: Palm Beach District: 9
CON # 10146 Application Receipt Date: 5/16/2012

Facility/Project: Joseph L. Morse Geriatric Center, Inc.
 Applicant: The Joseph L. Morse Geriatric Center, Inc.
 Project Description: Add up to 30 community nursing home beds through the delicensure of up 30 beds from ACTS Retirement Life Communities, Inc. d/b/a Willowbrooke Court at St. Andrews
 County: Miami-Dade District: 11
 CON # 10147 Application Receipt Date: 5/16/2012
 Facility/Project: University of Miami Hospital
 Applicant: University of Miami
 Project Description: Establish an adult lung transplantation program
 County: Broward District: 10
 CON # 10148 Application Receipt Date: 5/16/2012
 Facility/Project: Cleveland Clinic Hospital
 Applicant: Cleveland Clinic Florida Health System Nonprofit Corporation
 Project Description: Establish an adult heart transplantation program
 County: Broward District: 10
 CON # 10149 Application Receipt Date: 5/16/2012
 Facility/Project: Memorial Regional Hospital
 Applicant: South Broward Hospital District
 Project Description: Establish an adult heart transplantation program
 County: Miami-Dade District: 11
 CON # 10150 Application Receipt Date: 5/16/2012
 Facility/Project: University of Miami Hospital
 Applicant: University of Miami
 Project Description: Establish an adult heart transplantation program
 County: Broward District: 10
 CON # 10151 Application Receipt Date: 5/16/2012
 Facility/Project: Cleveland Clinic Hospital
 Applicant: Cleveland Clinic Florida Health System Nonprofit Corporation
 Project Description: Establish an adult kidney transplantation program
 County: Broward District: 10
 CON # 10152 Application Receipt Date: 5/16/2012
 Facility/Project: Broward Health Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: Establish an adult kidney transplantation program
 County: Miami-Dade District: 11

CON # 10153 Application Receipt Date: 5/16/2012
 Facility/Project: University of Miami Hospital
 Applicant: University of Miami
 Project Description: Establish an adult kidney transplantation program
 County: Broward District: 10
 CON # 10154 Application Receipt Date: 5/16/2012
 Facility/Project: Cleveland Clinic Hospital
 Applicant: Cleveland Clinic Florida Health System Nonprofit Corporation
 Project Description: Establish an adult liver transplantation program
 County: Miami-Dade District: 11
 CON # 10155 Application Receipt Date: 5/16/2012
 Facility/Project: University of Miami Hospital
 Applicant: University of Miami
 Project Description: Establish an adult liver transplantation program
 Also, IF REQUESTED, tentative public hearings have been scheduled as follows:
 PROPOSALS: District 3
 DATE/TIME: Wednesday, June 27, 2012, 9:00 a.m. – 2:00 p.m.
 PLACE: WellFlorida Council
 1785 N.W. 80th Blvd.
 Gainesville, FL 32606
 PROPOSALS: District 9
 DATE/TIME: Monday, June 25, 2012
 CON #10145, 9:00 a.m. – 12:00 Noon
 CON #10146, 1:00 p.m. – 4:00 p.m.
 PLACE: Quantum Foundation
 Community Meeting Room
 2701 North Australian Avenue
 West Palm Beach, FL 33407-4504
 PROPOSALS: District 10
 DATE/TIME: Wednesday, June 27, 2012
 CONs 10148 – 10150, 10:00 a.m. – 12:00 Noon
 CONs 10151 – 10153, 1:00 p.m. – 3:00 p.m.
 CONs 10154 – 10155, 3:00 p.m. – 5:00 p.m.
 PLACE: Broward Regional Health Planning Council, Inc.
 200 Oakwood Lane, Suite 100
 Conference Rooms B & D
 Hollywood, FL 33020
 PROPOSALS: District 11

DATE/TIME: Monday, June 25, 2012
 CON 10147, 9:00 a.m. – 10:00 a.m.
 CONs 10148 – 10150, 10:30 a.m. – 1:00 p.m.
 CONs 10154 – 10155, 1:30 p.m. – 3:00 p.m.
 Tuesday, June 26, 2012
 CONs 10151 – 10153, 9:00 a.m. – 11:30 a.m.

PLACE: Health Council of South Florida, Inc.
 8095 N.W. 12th Street, Suite 300
 Doral, FL 33126

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop #28, Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., June 15, 2012. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by June 20, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

City of Everglades City

The Florida Department of Environmental Protection has determined that the City of Everglades City’s project involving potable water well replacement and installation of GAC filtration system at the existing treatment plant will not adversely affect the environment. The total cost of the project is estimated to be \$1,770,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Brian Moody, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-7546.

Notice of Receipt of Applications for

Permit Coverage under the State’s Generic Permit for MS4’s
 The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from City of Port St. Lucie and City of Oak Hill. The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. –

5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address:

Ms. Kathleen Downey, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, M.S. #2500, Tallahassee, FL 32399-2400

NOTICE OF INTENT TO GRANT

GROUND WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater Permit Number FLA016778 to the Progress Energy, Inc., (PE), Anclote Power Plant located in Pasco County at 1729 Baillies Bluff Road, Holiday, Florida 34691. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. The maximum contaminant level for sodium is 160 mg/L. An alternative ground water concentration for sodium was not requested in the petition and is not being proposed because the sodium levels in the receiving brackish and Class III marine surface waters are as much as 10 times greater than the sodium levels in the discharge to ground water. The exemption is granted for the duration of the current Anclote Power Plant industrial wastewater Permit Number FLA016778, which expires on March 23, 2016. The applicant, in conjunction with any renewal of industrial wastewater Permit Number FLA016778, must petition for any future exemptions.

A person whose substantial interests are affected by the Department’s proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes (F.S). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant Mr. William Luke, Plant Manager-Anclote, Progress Energy Florida, Inc., 1729 Baillies Bluff Road, Holiday, Florida 34691, at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person’s right to request an administrative determination

(hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.201, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399-2400, Mr. David James, P.G., (850)245-8648.

Notice of Intent to Issue Variance Under Section 403.201, F.S.

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (File No. 0237608-005-EV-VE, OGC No. 12-0798) to Cemex Construction Materials Florida, LLC, 100 Lem Carnes Road, Davenport, Florida 33837, under Section 403.201(1)(a), Florida Statutes (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels in the deeper portions of a manmade lake to fall below the minimum levels set by Rule 62-302.530, F.A.C. The existing manmade lake is proposed to be expanded at an existing sand mine in Polk County. The proposed expansion will require an environmental resource permit which has been assigned a different file number, File No. 0237608-004, and is not the subject of this intent to issue a variance.

The mine is located in Sections 33 and 34, Township 29 South, Range 28 East, as well as Sections 3, 9, 10, and 11, Township 30 South, Range 28 East, approximately 3 miles east of Lake Wales, Polk County, on the north and south sides of State Road 60. The manmade lake will be constructed across property lines such that the lake will have more than one property owner. The manmade lake will be subject to the water quality standards provided in Rule 62-302.530, F.A.C.

On February 9, 2012, Cemex Construction Materials Florida, LLC, applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by subsection 62-302.530(30), F.A.C., which requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lake will meet the minimum standards for dissolved oxygen authorized by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lake, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as authorized by Rule 62-302.530, F.A.C.; and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lake. Stratification and the associated reduction of dissolved

oxygen in the hypolimnion are natural phenomena in deep-water bodies, especially during warmer parts of the year. As a result, a variance from the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lake. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that “Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit.” The low dissolved oxygen levels in the hypolimnion of the deep-water pockets are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the lake are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations.

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to issue a variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lake to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department’s file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, (850)488-8217.

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

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

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

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

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

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

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

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

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

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://appprod.dep.state.fl.us/clearinghouse/>. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On May 16, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Darrin Lyle Frye, M.D., License #ME 70655. 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 (2011). 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.

Notice of Emergency Action

On May 22, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Brittany L. Horner, C.N.A., License #CNA 193339. 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 (2011). 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.

Notice of Emergency Action

On May 16, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michelle C. Jackson, C.N.A., License #CNA 80334. 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 (2011). 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.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P. O. Box 8050		General Counsel’s Office
Tallahassee, Florida		The Fletcher Building
32314-8050		Suite 118
Phone: (850)410-9800		101 East Gaines Street
Fax: (850)410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 22, 2012):

APPLICATION TO MERGE

Constituent Institutions: MIDFLORIDA Credit Union, Lakeland, Florida, and Indian River Federal Credit Union, Vero Beach, Florida
Resulting Institution: MIDFLORIDA Credit Union
Received: May 23, 2012

APPLICATION TO MERGE

Constituent Institutions: MIDFLORIDA Credit Union, Lakeland, Florida, and Bay Pines Federal Credit Union, Bay Pines, Florida
Resulting Institution: MIDFLORIDA Credit Union
Received: May 23, 2012

DEPARTMENT OF ECONOMIC OPPORTUNITY

Final Order No. DEO-12-058

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY
ORDINANCE NO. 005-2012

FINAL ORDER

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving a land development regulation adopted by Monroe County Ordinance No. 005-2012 (the "Ordinance").

FINDINGS OF FACT

- 1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the County on March 21, 2012. The Department received the Ordinance for review on April 17, 2012.
3. The Ordinance amends Section 114-20, "Fences," of the County's land development regulations, to allow owners of single family residences on Stock Island and Key Haven to build entry features taller than six feet if specific design guidelines are met, adds the County's Mixed Use zoning district to the list of districts subject to the six-foot height limit for fences, and allows higher fences for utility security in certain circumstances.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. 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. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Sections 380.0552(7), Florida Statutes.
7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principles:
(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
8. The Ordinance is consistent with Goal 102, Objective 102.3 and Policy 102.3.2 of the Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No. 005-2012 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.

/s/
J. Thomas Beck, AICP
Director, Division of Community Development
Department of Economic Opportunity

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, 107 EAST MADISON STREET, MSC 110, TALLAHASSEE, FLORIDA 32399-4128.

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 22nd day of May, 2012.

/s/ _____
 Miriam Snipes, Agency Clerk
 Department of Economic Opportunity
 107 East Madison Street, MSC 110
 Tallahassee, FL 32399-4128

By U.S. Mail:
 Honorable David Rice, Mayor
 Monroe County
 2798 Overseas Highway, Suite 400
 Marathon, FL 33050

Christine Hurley
Growth Management Director
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

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

Derek Howard, Assistant County Attorney
1111 Twelfth Street, Suite 408
Key West, FL 33040

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DCA Tallahassee, FL
David L. Jordan, Assistant General Counsel, DCA Tallahassee, FL

Final Order No. DEO-12-057
In re: A LAND DEVELOPMENT REGULATION ADOPTED
BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 12-04

FINAL ORDER

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving a land development regulation adopted by Islamorada, Village of Islands Ordinance No. 12-04 (the "Ordinance").

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Islamorada is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City on April 12, 2012. The Department received the Ordinance for review on April 26, 2012.
3. The Ordinance amends Section 30-474(a), part of the building permit allocation system of the Village's land development regulations, to provide for an additional 16,486 square feet of nonresidential floor area in 2012.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Sections 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. 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. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.
7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principles:
 - (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
 - (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
8. The Ordinance is consistent with Policy 1-3.1.1 of the Village of Islamorada Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Islamorada, Village of Islands Ordinance No. 12-04 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.

_____/s/_____
J. Thomas Beck, AICP
Director, Division of Community Development
Department of Economic Opportunity

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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/s/ _____
 Miriam Snipes, Agency Clerk
 Department of Economic Opportunity
 107 East Madison Street, MSC 110
 Tallahassee, FL 32399-4128

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

Nina Boniske, Esq.
 James White, Esq.
 Weiss Serota Helfman Pastoriza
 Guedes Cole & Boniske, P.A.
 2525 Ponce De Leon Blvd., Suite 700
 Coral Gables, Florida 33134-6045

Debra Eastman, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

By Hand Delivery or Interagency Mail:
 Rebecca Jetton, ACSC Administrator, DCA Tallahassee, FL
 David L. Jordan, Assistant General Counsel, DCA Tallahassee, FL

NOTICE OF EXTENSION OF COMMENT PERIOD FOR STATE OF FLORIDA ANNUAL ACTION PLAN, REVISED CITIZEN PARTICIPATION PLAN, AND SUBSTANTIAL AMENDMENT FOR THE EMERGENCY SOLUTIONS GRANT FOR FEDERAL FISCAL YEAR 2012

The Department of Economic Opportunity (DEO) announces an extension of the comment period for the State of Florida Annual Action Plan for Federal Fiscal Year 2012, and the Substantial Amendment to the Emergency Solutions Grant (ESG). Also, the State has revised the Citizen Participation Plan and the draft is available for review. All parties are invited to comment on these three documents.

PURPOSE: To comment on the Annual Action Plan for Federal Fiscal Year 2012, Substantial Amendment to the Emergency Solutions Grant, and to review the draft of the revised Citizen Participation Plan.

SUMMARY: The State of Florida is required to submit an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The Plan must cover the grant programs funded by HUD. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Solutions Grant, Home Investment Partnership (HOME) and Housing Opportunities for Persons with AIDS (HOPWA). The Plan must specify the manner in which the funds will be distributed to eligible applicants. Both

the Plan and Substantial Amendment require a 30-day comment period to be undertaken, per 24 CFR 91.115(b)(4) and (c)(2); the extension is an addendum to the original comment period provided from April 24, 2012 through May 14, 2012. The State has also revised the Citizen Participation Plan to include a 30-day comment period for the Action Plan. **ACTION TO BE TAKEN:** Drafts of the Action Plan and Citizen Participation Plan are currently available for review and comment on the Department’s website: <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/community-development-block-grant-program/state-of-florida-consolidated-plan>. A draft of the Substantial Amendment is currently available for review and comment on the Florida Department of Children and Families’ website: <http://www.dcf.state.fl.us/programs/homelessness>. Comments on the Plans and Substantial Amendment will be accepted through June 18, 2012, with final submission to HUD on June 22, 2012.

A copy of the documents may be obtained by appearing in person at the agency headquarters, by email or calling:

Florida Small Cities CDBG Program
 Department of Economic Opportunity
 Caldwell Building
 107 East Madison Street
 Tallahassee, Florida 32399
 Telephone: (850)717-8405
 Email: Stacie.Roldan-Toci@deo.myflorida.com

Written comments on the draft of the Annual Action Plan and Citizen Participation Plan are encouraged. They may be made via email: Bob.Dennis@deo.myflorida.com or mailed to the address listed. Written comments on the Emergency Solutions Grant Substantial Amendment may be made via email: Tom_Pierce@dcf.state.fl.us.

AREA AGENCY ON AGING OF PASCO-PINELLAS, INC.

Notice of Intent to Award

The Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP) for Planning and Area Service Area 5 will award the contract for Case Management/Lead Agency Designation for Pinellas County beginning July 1, 2012, under the Community Care for the Elderly Program, Florida Statutes, 430 to Gulf Coast Jewish Family and Community Services, Inc. Substantially

affected parties will have an opportunity to request a hearing challenging the proposed action and instruction on how to request a hearing. Failure to file a notice of protest as described in subsection (4) of Rule 58C-1.0031, Florida Administrative Code (F.A.C.), shall constitute a waiver of proceedings under Rule 58C-1.0031, F.A.C. If you have any questions, please call: Tawnya Martino, (727)570-9696, ext. 246.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

Request for Qualifications
Solicitation Number 12-411-039
Project Number 8610 13

Sealed qualifications for Airside F Boarding Bridges, PCA AHU and GPU Replacements will be received from firms by the Authority at Tampa International Airport Offices located at 4100 George J. Bean Parkway, Suite 3311, Main Terminal, 3rd Floor, Blue Side, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampaairport.com, Quick Links, Airport Business, Notice of Solicitations on Wednesday, May 30, 2012.
