

constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.  
 NOTE: AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

**MID-FLORIDA AREA AGENCY ON AGING**

**REQUEST FOR PROPOSALS**

Competitive sealed proposals will be received by the Mid-Florida Area Agency on Aging, Inc. until 4:00 p.m. on April 27, 2006 for the designation of Community Care for the Elderly Lead Agencies, including the provision of an array of home and community based services to frail older persons residing in the counties of Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union. The Community Care for the Elderly program is administered pursuant to provisions of Chapter 430, F.S. The proposal package and application instructions may be obtained from the office of the Mid-Florida Area Agency on Aging, Inc. on March 13, 2006 or thereafter. A bidders conference will be conducted concerning this Request for Proposals at 3:00 p.m. on March 24, 2006. Interested parties are encouraged to attend the bidders conference at the following location:

Florida Farm Bureau Building – Suite 222  
 5700 S.W. 34th Street  
 Gainesville, Florida

The Mid-Florida Area Agency on Aging, Inc. reserves the right to reject any and all proposals.

Correspondence concerning this Request for Proposals should be addressed to:

Ms. Vidya R. Hogan, Director of Consumer Services  
 Mid-Florida Area Agency on Aging, Inc.  
 5700 S.W. 34 Street, Suite 222  
 Gainesville, Florida 32608  
 (352)378-6649

**EARLY LEARNING COALITION (ELC)**

**CLAY NASSAU BAKER BRADFORD COUNTY  
 SEEKS SERVICE PROVIDERS**

The Clay Nassau Baker Bradford County ELC seeks Service Providers to provide services in one or more of four areas:

1. School Readiness, including eligibility determination and provider reimbursement, Parent and Child Services, and Provider development, support and training.
2. Inclusion Services
3. Child Care Resource and Referral

4. Voluntary Pre-Kindergarten, including eligibility determination and provider reimbursement, Parent and Child Services, and Provider development, support and training.

THE ELC ENCOURAGES PROPOSALS FOR EACH INDIVIDUAL COMPONENT, OR FOR A COMBINATION OF COMPONENTS.

Copies of the Invitation To Negotiate for service provision are available at [www.elcofnbb.org](http://www.elcofnbb.org); or at 1845 Town Center Blvd., Suite 150, Orange Park, Florida 32003.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

Notice of Funding Availability  
 Florida Department of Community Affairs  
 Division of Emergency Management  
 Hazard Mitigation Grant Program

The Department of Community Affairs, Division of Emergency Management is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declarations (FEMA-1595-DR-FL and FEMA-1602-DR-FL). The HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is designed to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. DEM is soliciting applications and encourage all eligible applicants to identify and submit applications that address eligible mitigation activities that are designed to reduce your community's overall risk to hazards. The amount of funding available to the state is based on 7.5% of the total federal disaster assistance for these events. The application period will close June 7, 2006. Therefore, all applications must be postmarked by June 7, 2006. The Department encourages and welcomes the submittal of complete applications at anytime during this cycle.

**Application Timeline**

Applications are currently being accepted. The deadline for the submission of applications is June 7, 2006 (postmarked). Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice. Please provide four completed copies of the State of Florida Joint Hazard Mitigation and Flood Mitigation Assistance Application and all appropriate attachments, which may be obtained at the DEM website located at <http://www.floridadisaster.org/brm/hmgs.htm>.

Alternatively, you may contact the DEM directly at (850)413-9884. In order to be considered, completed applications must be sent to the following address:

Florida Department of Community Affairs  
 Division of Emergency Management  
 Mitigation Section  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100  
 ATTN: Hazard Mitigation Grant Program

**Minimum Program Eligibility**

Eligible Applicants: are local governments, state agencies, federally recognized Indian Tribal governments and private non-profit organizations and institutions.

Eligible Activities: include mitigation projects that will result in protection of public or private property from natural hazards. Eligible projects include, but are not limited to:

- Acquisition of hazard prone properties
- Retrofitting of existing buildings and facilities
- Elevation of flood prone structures
- Infrastructure protection measures
- Storm water management improvements
- Minor structural flood control projects
- Relocation of structures from hazard prone areas
- Retrofitting of existing buildings and facilities for shelters

The state will not consider funding request for:

- Generators: Unless they are an integral part of a larger eligible project
- Construction of new facilities: However, the cost associated with above code upgrades can be considered.
- Equipment such as emergency pumps, vehicles and communication devices.
- Tree removal.
- Projects already in progress. (Construction may not begin until the project has met requirements of the National Environmental Policy Act. In addition, the contract between the State and subgrantee must be executed.)

All projects submitted must meet the following minimum criteria to be considered for funding:

- Conform with the State Mitigation Plan and the respective community’s Local Mitigation Strategy;
- Demonstrate cost-effectiveness;
- Is technically feasible;
- Provide a beneficial impact upon the designated disaster area;
- Conform to all applicable environmental laws, and regulations and executive orders;
- Solve a problem independently or constitutes a functional part of a solution;
- Is in an NFIP participating community that is not on probation or have been suspended from NFIP; and
- Meet all applicable state and local codes and standards.

**Cost-Share Requirements**

Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%)

non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 Code Federal Regulations, Section 13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor. Applicants are encouraged to link HMGP funds with other state, local and private sources.

**Pre-Award Costs**

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting and other “soft” costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing.

**Technical Assistance**

DEM is in the process of scheduling HMGP application development workshops. The dates, times, locations and a short overview of the workshops will be posted on the DEM website [www.floridadisaster.org](http://www.floridadisaster.org). DEM will provide technical assistance throughout the application process. DEM will be available to assist with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

- (850)922-5269 (Grants/Projects Review Office)
- (850)413-9884 (Mitigation Planning Office)
- (850)922-5332 (Engineering and Technical Feasibility)

DCA Final Order No.: DCA06-OR-058

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND  
 DEVELOPMENT REGULATIONS  
 ADOPTED BY MONROE COUNTY  
 ORDINANCE NO. 028-2005

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On December 30, 2005, the Department received for review Monroe County Ordinance No. 028-2005 which was adopted by the Monroe County Board of County Commissioners on October 19, 2005 (“Ord. 028-2005”).

3. The Ordinance provides for a Tier Overlay District Map designation on the Monroe County Land Use District Map for Big Pine Key and No Name Key to implement the Master Plan for Big Pine Key and No Name Key and Goal 105 of the 2010 Comprehensive Plan, Rule 28-20.100, F.A.C., and the Tier Overlay System.

4. Ordinance 028-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 028-2005 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 028-2005 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(g) To protect the historical heritage of the Florida Keys.

(i) To limit the adverse impacts of public investments on the environmental resources 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.

1. Ord. 028-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 028-2005 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.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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

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

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 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 24th day of February, 2006.

Miriam Snipes, Deputy Agency Clerk

By U.S. Mail:

Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

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

Aref Joulani  
Acting Director  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-065  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS  
In re: CITY OF LAKELAND LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
ORDINANCE NO. 4724

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, (2005), 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 the City of Lakeland is a local government located within the Green Swamp Area.
2. On December 28, 2005, the Department received for review City of Lakeland Ordinance No. 4724 ("Ordinance"), which was adopted by the City Commission for the City of Lakeland on December 19, 2005.
3. The Ordinance amends the City of Lakeland's Land Development Code ("Code") to add eleven (11) sections addressing intent, applicability, density and intensity of use, development regulations, landscaping, road requirements,

transit district requirements, wetlands, water and wastewater utility requirements, storm water management facilities, listed species, permitting requirements, and effective dates.

4. The Ordinance is consistent with the City of Lakeland's Comprehensive Plan.

**CONCLUSIONS OF LAW**

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat. (2005).

6. Lakeland is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. (2005) and Chapter 28-26, Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by the Ordinances are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code ("Principles").

9. Ordinance No. 4724 furthers the following Principles:
- (a) Minimize adverse impacts of development on resources of the Florida Aquifer, and flood-detention areas.
  - (b) Protect the normal quantity, quality, and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
  - (d) Protect the functions of the Green Swamp Potentiometric High of the Floridian Aquifer.
  - (h) Protect the water-retention capabilities of wetlands.
  - (i) Protect the biological-filtering capabilities of wetlands.

11. Ordinance No. 4724 is not inconsistent with the remaining Principles, and is consistent with the Principles as a whole.

WHEREFORE, IT IS ORDERED that Ordinance No. 4724 is found to be 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.

Tracy D. Suber, State Planning Administrator  
 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.

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.

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**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 24th day of February, 2006.

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Paula Ford, Agency Clerk  
 By U.S. Mail:  
 The Honorable Ralph L. Fletcher  
 Mayor, City of Lakeland  
 228 South Massachusetts  
 Lakeland, Florida 33801

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DCA Final Order No.: DCA06-OR-059  
 STATE OF FLORIDA

**DEPARTMENT OF COMMUNITY AFFAIRS**

In re: MONROE COUNTY LAND  
 DEVELOPMENT REGULATIONS  
 ADOPTED BY MONROE COUNTY  
 ORDINANCE NO. 030-2005

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**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On December 30, 2005, the Department received for review Monroe County Ordinance No. 030-2005 which was adopted by the Monroe County Board of County Commissioners on October 19, 2005 ("Ord. 030-2005").
3. The Ordinance provides for expediting the planning approval process for large master planned communities that area gated, provide their own infrastructure, and that contain at least 100 homes. The only development that falls within this category in the Keys is Ocean Reef, which is a vested development that has been building out since 1973.
4. Ordinance 030-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

**CONCLUSIONS OF LAW**

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).
6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 030-2005 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA

1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 030-2005 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

1. Ord. 030-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 030-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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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 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 24th day of February, 2006.

\_\_\_\_\_  
Miriam Snipes, Deputy Agency Clerk

By U.S. Mail:

Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

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

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

DCA Final Order No.: DCA06-OR-060  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 033-2005

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On February 2, 2006, the Department received for review Monroe County Ordinance No. 033-2005 which was adopted by the Monroe County Board of County Commissioners on November 16, 2005 ("Ord. 033-2005").

4. The Ordinance amends Surface Water Management Criteria of the Monroe County Land Development Regulations concerning stormwater drainage and provides for repeal of all inconsistent ordinances.

4. Ordinance 033-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 033-2005 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 033-2005 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

(d) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 033-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 033-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.



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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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

CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

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

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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 24th day of February, 2006.

Miriam Snipes, Deputy Agency Clerk

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

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

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

DCA Final Order No.: DCA06-OR-057

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 029-2005

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On December 30, 2005, the Department received for review Monroe County Ordinance No. 029-2005 which was adopted by the Monroe County Board of County Commissioners on October 19, 2005 ("Ord. 029-2005").

3. The Ordinance provides for a Tier Overlay District Map designation on the Monroe County Land Use District Map for Big Pine Key and No Name Key, and provides criteria for designation of Tier Boundaries for Big Pine Key and No Name Key pursuant to the Habitat Conservation Plan (HCP) to implement Goal 105 of the 2010 Comprehensive Plan, Rule 28-20.100, F.A.C., and the Tier Overlay System. The Ordinance renumbers existing section 9.5-256 to 9.5-271 and creates a new section 9.5-256.

4. Ordinance 029-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 029-2005 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 029-2005 promotes and furthers the following Principles:

- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (g) To protect the historical heritage of the Florida Keys.
- (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.

10. Ord. 029-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 029-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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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.

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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 24th day of February, 2006.

\_\_\_\_\_  
Miriam Snipes, Deputy Agency Clerk

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

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

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

## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, Hyosung Motors America, Inc., intends to allow the establishment of Bikes, Parts and Cruisers as a dealership for the sale of Hyosung motorcycles, at 18524 US Highway 19, Hudson (Pasco County), Florida 34667, on or after March 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Bikes, Parts and Cruisers are dealer operator(s): John Wolding, 17954 Branch Road, Hudson, Florida 34667; principal investor(s): John Wolding, 17954 Branch Road, Hudson, Florida 34667.

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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Edward Park, President, Hyosung Motors America, Inc., 502 Shartom Drive, Augusta, Georgia 30907.

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.

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### 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, Vento Motorcycles, Inc. ("Vento"), intends to allow the establishment of Gasoline Alley, Inc., as a dealership for the sale of Vento motorcycles at 10 South Scenic Highway, Frostproof, (Polk County), Florida 33843, on or after February 22, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Gasoline Alley, Inc., are dealer operator(s): Robert O'Hara, 10 South Scenic Highway, Frostproof, Florida 33843; principal investor(s): Robert O'Hara, 10 South Scenic Highway, Frostproof, Florida 33843.

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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Matthew Scott, Vento North America, 6190 Cornerstone Court, E., Suite #200, San Diego, California 92121.

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.

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### 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, X Power Motorsports, Inc., intends to allow the establishment of Mister Moped International, as a dealership for the sale of CF Moto and Linhai motorcycles, at 6227A North Washington Boulevard, Sarasota (Sarasota County), Florida 34243, on or after February 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Mister Moped International are dealer operator(s): Robert Fusco, 6227A North Washington Boulevard, Sarasota, Florida 34243; principal investor(s): Robert Fusco, 6227A North Washington Boulevard, Sarasota, Florida 34243.

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: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bill R. Morrow, Owner/President, X Power Motorsports, Inc., 2727 U.S. Highway 411S, Maryville, Tennessee 37801.

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.

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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, Goldenvale, Inc., intends to allow the establishment of Motorsports Depot, Inc., as a dealership for the sale of ROKETA and JMStar motorcycles at 17630 US 41 North, Lutz (Hillsborough County), Florida 33549, on or after February 23, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Depot, Inc., are dealer operator(s): Robert L. Sardegna, 230 Deer Cove Lane, Lutz, Florida 33548; principal investor(s): Robert L. Sardegna, 230 Deer Cove Lane, Lutz, Florida 33548.

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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mike Turber, General Manager, Goldenvale – ROKETA, Inc., 2041 South Turner Avenue, Ontario, California 91761.

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.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Toyota Motor Distributors, LLC, intends to establish Clermont Motor Sales, LLC d/b/a Toyota of Clermont as an additional dealership for the sale of Toyota cars and trucks and Scion cars at the northwest corner of State Road 50 and Tiny Morse Boulevard, in Clermont, Lake County, Florida, on the property described as follows: Tract 64 and a portion of Tracts 50A and 63 map of section 23, Township 22 South, Range 26 East, Lake County, Florida, Lake Highlands Company as recorded in Plat Book 4, Page 11, of the Public Records of Lake County, Florida; and Tract 1 and a portion of Tracts 2, 15A, and 16 of map of Section 26, Township 22 South, Range 26 East, Lake County, Florida, Lake Highlands Company as recorded in Plat Book 3, Page 52 of the Public Records of Lake County, Florida, lying North of State Road Number 50 right of way and being more particularly described as follows: Begin at the Northeast corner of Section 26, Township 22 South, Range 26 East; a five (5) inch diameter round concrete monument, and run South 00 degrees 40' 12" West along the East line of the Northeast quarter of said Section 26, a distance of 1183.47 feet to a point on the North right-of-way line of State Road Number 50, according to the Florida Department of Transportation (FDOT) right-of-way map of State Road Number 50, Section Number 11070-2505; thence, departing said East section line, run N 89 degrees 09' 12" West, along said North right of way line, a distance of 680.32 feet to a point on the approximate centerline of Tiny Morse Boulevard; thence run North 00 degrees 25' 53" West, along said approximate centerline, a distance of 1952.46 feet to the North line of Tract 50a of map of Section 23, Township 22 South, Range 26 East, Lake County, Florida, Lake Highlands Company as recorded in Plat Book 4, Page 11 of the Public Records of Lake County, Florida; thence run South 66 degrees 13' 46" East, along the North line of said tracts 50a and 64 of said map of Section 23, parallel with and 30.00 feet South of, perpendicular measure, the centerline of the abandoned Atlantic Coast Line Railroad (CSX Map Number V12FLA.-8), a distance of 780.30 feet to the Northeast corner of said Tract 64; thence departing said Northerly line, run South 00 degrees 39' 25" seconds West, along the East line of said Tract 64, a distance of 464.58 feet to the Point of Beginning. Described parcel containing 28.84 acres, more or less. The dealership location will be on the parcel described above and will initially require approximately the southernmost 17 acres of the property.

The dealership will be opened on or after July 1, 2006. The names and addresses of the dealer operators of the proposed dealer are: Joseph Siviglia, 3800 West Colonial Drive, Orlando, Florida 32808; and Robert James Siviglia, 13055 Water Point Boulevard, Windermere, Florida 34786.

The name and address of the principal investors in the proposed dealer are described as follows. Clermont Motor Sales, LLC is solely owned by the Siviglia Family Limited Partnership, a Nevada limited partnership, whose address is 3800 West Colonial Drive, Orlando, FL 32808. The owners of the Siviglia Family Limited Partnership are Siviglia Enterprises, LLC, a Nevada limited liability company, and the Siviglia Children Gifting Trust. The owner of Siviglia Enterprises, LLC is Joseph Siviglia, 3800 West Colonial Drive, Orlando, Florida 32808. The trustee of the Siviglia Children Gifting Trust is Robert James Siviglia, whose address is 13055 Water Point Boulevard, Windermere, FL 34786. The ultimate beneficiaries of the sub-trusts of the Siviglia Children Gifting Trust are Jordan Joseph Siviglia, Spencer Price Siviglia, and Joshua Adams Siviglia, whose address is 5226 Isleworth Country Club Drive, Windermere, Florida 34786.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Lori Engwiller, Senior Market Representation Coordinator, Southeast Toyota Distributors, LLC, 100 Northwest 12th Avenue, Deerfield Beach, Florida, 33442.

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.

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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, American IronHorse Motorcycle Company intends to allow the establishment of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossemeyers Daytona Harley-Davidson, as a dealership for the sale of American IronHorse motorcycles, at 1637 North U.S. Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after February 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyers Daytona Harley-Davidson are dealer operator(s): Bruce Rossmeyer, 290 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): Bruce Rossmeyer, 290 North Beach Street, Daytona Beach, Florida 32114.

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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gary Sipes, Director of Sales, American IronHorse, 4600 Blue Mound Road, Fort Worth, Texas 76106.

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.

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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, Global Electric Motorcars, LLC intends to allow the establishment of Gator Chrysler, Inc., as a dealership for the sale of GEM vehicles at 300 East NASA Boulevard, Melbourne (Brevard County), Florida 32901, on or after March 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Gator Chrysler, Inc., are dealer operator(s): Joseph Kelly, 3875 Burton Road, Auburn, Florida 32950; principal investor(s): Gary Miller, 5746 Peach Street, Erie, Pennsylvania 16509; Joseph Kelly, 3875 Burton Road, Auburn, Florida 32950; and Gary Miller, 300 East NASA Boulevard, Melbourne, Florida 32901.

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: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Russell J. Kiefer, Director of Sales and Marketing, Global Electric Motorcars, LLC, 1301 39th Street, Northwest Fargo, North Dakota 58102.

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**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**DECISIONS ON EXPEDITED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Walton Service District: 1  
 CON#: 9907 Decision Date: 2/20/2006 Decision: A  
 Facility/Project: Chautauqua Rehabilitation and Nursing Center

Applicant: DRNC, L.L.C.  
 Project Description: Transfer CON # 5317/8088/8274/0100023/9523 to add 60 community skilled nursing beds

County: Jackson Service District: 2  
 CON#: 9908 Decision Date: 2/20/2006 Decision: A  
 Facility/Project: North Florida Rehabilitation and Nursing Center

Applicant: GRNC, L.L.C.  
 Project Description: Transfer CON # 4392/6980/9118/0100024/9522 to add 60 community skilled nursing beds

County: Miami-Dade Service District: 11  
 CON#: 9909 Decision Date: 2/20/2006 Decision: A

Facility/Project: Brookwood Gardens Rehabilitation and Nursing Center

Applicant: HRNC, L.L.C.  
 Project Description: Transfer CON # 8157/9473 to add 60 community skilled nursing beds

County: Polk Service District: 6  
 CON#: 9910 Decision Date: 2/20/2006 Decision: A  
 Facility/Project: Carpenter's Home Manor

Applicant: Carpenter's Home Estates, Inc.  
 Project Description: Add 12 sheltered skilled nursing beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**CERTIFICATE OF NEED**

**DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of November 23, 2005:

County: Marion Service District: 3  
 CON # 9896 Decision Date: 2/24/2006 Decision: D  
 Facility/Project: Hospice of the Palm Coast, Inc.

Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program  
 Approved Cost: \$0

County: Volusia Service District: 4  
 CON # 9897 Decision Date: 2/24/2006 Decision: A  
 Facility/Project: Halifax Medical Center

Applicant: Halifax Hospital Medical Center  
 Project Description: Establish an adult kidney transplantation program  
 Approved Cost: \$424,666

County: Pinellas Service District: 5  
 CON # 9898 Decision Date: 2/24/2006 Decision: D  
 Facility/Project: Hospice of the Florida Suncoast, Inc.

Applicant: Hospice of the Florida Suncoast, Inc.  
 Project Description: Establish a freestanding inpatient hospice facility of 30 beds  
 Approved Cost: \$0

County: Pinellas Service District: 5  
 CON # 9899 Decision Date: 2/24/2006 Decision: D  
 Facility/Project: Hospice of the Palm Coast, Inc.

Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program  
 Approved Cost: \$0

County: Hillsborough Service District: 6  
 CON # 9900 Decision Date: 2/24/2006 Decision: D

Facility/Project: Hospice of the Palm Coast, Inc.  
 Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program  
 Approved Cost: \$0  
 County: Polk Service District: 6  
 CON # 9901 Decision Date: 2/24/2006 Decision: A  
 Facility/Project: Lake Wales Health Care Operations Company, LLC  
 Applicant: Lake Wales Health Care Operations Company, LLC  
 Project Description: Establish a 120-bed community nursing home through delicensure of 120 beds from Lake Wales Medical Center's Extended Care facility  
 Approved Cost: \$8,709,700  
 County: Orange Service District: 7  
 CON # 9902 Decision Date: 2/24/2006 Decision: A  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish an adult liver transplantation program  
 Approved Cost: \$355,100  
 County: Palm Beach Service District: 9  
 CON # 9904 Decision Date: 2/24/2006 Decision: D  
 Facility/Project: Chatsworth at PGA  
 Applicant: Devonshire Associates, Ltd.  
 Project Description: Add 40 community nursing home beds through delicensure of 40 community nursing home beds at Palm Beach Shores Rehab and Sub-Acute Center  
 Approved Cost: \$0  
 County: Dade Service District: 11  
 CON # 9905 Decision Date: 2/24/2006 Decision: A  
 Facility/Project: Floridean Nursing Home, Inc.  
 Applicant: Floridean Nursing Home, Inc.  
 Project Description: Add 30 community nursing home beds through delicensure of 30 community nursing home beds from Greynolds Park Manor Rehab Center  
 Approved Cost: \$2,725,112  
 County: Dade Service District: 11  
 CON # 9906 Decision Date: 2/24/2006 Decision: D  
 Facility/Project: New Riviera Nursing and Rehabilitation Center, LLC  
 Applicant: New Riviera Nursing & Rehabilitation Center, LLC  
 Project Description: Establish a community nursing home of 234 beds through delicensure of 234 community nursing home beds from Greynolds Park Manor Rehab Center  
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in

the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**CERTIFICATE OF NEED  
 EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Polk District: 6  
 ID # 0500014 Decision: A Issue Date: 2/14/2006  
 Facility/Project: Lakeland Regional Medical Center  
 Applicant: Lakeland Regional Medical Center, Inc.  
 Project Description: Add nine adult psychiatric beds  
 Proposed Project Cost: \$0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted a new policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/DJJServices/Administration/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/DJJServices/Administration/policies_procedures/policyreview.html). Sexual Abuse and Battery (FDJJ 8050, department-wide policy type B) – is based on the Federal Prison Rape Elimination Act (PREA) of 2003, which establishes a zero tolerance standard for the incidence of inmate sexual assault and rape; makes prevention of inmate sexual assault and rape a top priority in each corrections facility; develops/implements national standards for the detection, prevention, and punishment of prison rape; increases available data and information of the incidence of inmate sexual assault and rape; standardizes the definitions used for data collection; increases accountability of corrections officials who fail to detect, prevent, reduce and punish prison rape; and protects the Eighth Amendment rights of federal, state and local inmates. It is the policy of the Florida Department of Juvenile Justice to ensure that sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions. This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on this policy of April 6, 2005. Responses to comments received



will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above website.

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**DEPARTMENT OF HEALTH**

On February 23, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Mark Howard Musser, R.N., license number RN 3194712. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

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

hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 31, 2006:

**APPLICATION WITHDRAWN**

Application for a New Financial Institution

Applicant: Prosperity Bank of Northwest Florida, Lynn Haven, Bay County, Florida

Withdrawn: February 27, 2006

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Central Bank, 20701 Bruce B. Downs Boulevard, Tampa, Hillsborough County, Florida 33647

Correspondent: A. George Iglar and Herbert D. Haughton, 2457 Care Drive, Tallahassee, Florida 32308

Received: February 27, 2006

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Sabal Bank, Fruitville Road at the northeast corner of Fruitville Road and Richardson Way, Sarasota, Sarasota County, Florida 34232

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32802

Received: February 27, 2006

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