

deadline for submitting letters of intent (which are requested but not mandatory) and written questions is prior to 4:00 p.m. (EDST), on June 1, 2007. The deadline for submitting proposals is prior to 2:00 p.m. (EDST), on July 20, 2007. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

EARLY LEARNING COALITION OF SOUTHWEST FLORIDA

Agency Decisions

Invitation to Negotiate – ITN #SWF-0708

- School Readiness Services
- Inclusion Services
- Resource & Referral Services
- Voluntary Pre-Kindergarten Services (VPK)

Within Lee, Collier, Hendry and Glades Counties

The Early Learning Coalition of Southwest Florida, Inc. has tabulated the results from ITN #SWF-0708. After successful negotiations it is the intent of the Coalition to award a contract to Community Coordinated Care for Children, Inc. as a result of ITN #SWF-0708 for School Readiness, Inclusion, Resource & Referral and VPK services in Lee, Collier, Hendry and Glades Counties.

PROTESTS AND DISPUTES: Any person who is adversely affected by the Coalition’s decision concerning a procurement solicitation or Contract award and who wants to protest such decision shall file a protest in compliance with Section 120.57(3), Florida Statutes, and subsection 60A-1.006(6), Florida Administrative Code. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Any Applicant who desires to file a formal protest to this ITN, must accompany that protest with a bond payable to the Coalition in an amount equal to one percent of the Coalition estimate of the total volume of the Contract or \$5,000, whichever is less, which bond shall be conditioned upon the payments of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, the Coalition may accept a cashier's check or a money order in the amount of the bond. Failure to file the proper bond at the time of filing the formal protest will result in a denial of the protest.

Agency Decisions will be available at:

The Early Learning Coalition of Southwest Florida, Inc.
 12651 McGregor Blvd, Suite 4-402
 Ft. Myers, FL 33919

Please direct all written inquiries to: (All inquires shall be in writing)

Peter Escayg, Contract Manager
 12651 McGregor Blvd, Suite 4-402
 Ft. Myers, FL 33919
 Peter.Escayg@elcofswfl.org
 (239)267-4105 Phone
 (239)267-4109 Fax

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-05-2007-007
 DATE RECEIVED: April 27, 2007
 DEVELOPMENT NAME: ROYAL HIGHLANDS WEST
 DEVELOPER/AGENT: Glen Lakes Partnership/Richard Matassa
 DEVELOPMENT TYPE: 28-24.023, F.A.C.
 LOCAL GOVERNMENT: Hernando County

FILE NO.: BLIM-006-2007-008
 DATE RECEIVED: April 27, 2007
 DEVELOPMENT NAME: ABC/ORANGEWOOD EAST
 DEVELOPER/AGENT: Grande Lakes, LLC/Cecelia Bonifay
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, 28-24.020 F.A.C.
 LOCAL GOVERNMENT: Orange County

RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – COMPETITIVE GRANT PROGRAM

The Division of Emergency Management is providing you with notification of its intent to open the State Fiscal Year 2007-2008 cycle for competitive awards from the Residential Construction Mitigation Program. Funding for SFY 2007-2008 is \$3.4 million.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications, however, no

single application shall seek or receive an award in excess of \$200,000 per state fiscal year. All eligible applicants, with the exception of counties and state agencies shall be limited to no more than three (3) application submissions in an application cycle in a state fiscal year and additional one (1) application submission per category.

The Division encourages all interested and eligible parties with projects that will enhance wind mitigation capabilities within the State of Florida to apply for awards during this open period in the following six categories.

APPLICATION CATEGORIES:

Applications are accepted in the following six categories:

1. Residential Mitigation Retrofit Program (Retrofit Program): Assistance to primarily low and moderate-income residents, which promotes wind mitigation (including retrofits, education, inspections and related activities). All retrofit or other installation of mitigation devices on residential structures MUST comply with the Blueprint for Safety Standard (BFS). The link to BFS: <http://www.blueprintforsafety.org>.
All contractors or installation personnel must be BFS certified.
Retrofits/Installations should be 'systemic', i.e. not just shutters, or just roof improvements, but a system that ties together all aspects of wind mitigation/BFS, to the maximum degree possible on the structure to be retrofitted. Where a systemic approach cannot be implemented, this must be clearly justified (i.e., structure has already been partially mitigated or structure does not otherwise require or cannot accept all aspects of BFS). Funding is on the basis of 75%/25%, match may be in-kind or direct. Recipients MUST include pre and post inspections to determine the scope of work and to certify completion. Recipients may contract for installation of BFS compliant retrofits or make allocations to homeowners for retrofit work, to be inspected and certified under the auspices of the subgrantee and the RCMP.
2. Projects that will promote public education and public information about wind mitigation and wind mitigation related areas, including but not limited to maintenance and enhancement of RCMP/wind mitigation on line information availability and program visibility.
3. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans and compliance with the State Hazard Mitigation Plan.
4. Projects that will promote market based, non-regulatory approaches to mitigation, including, but not limited to, training in regard to wind mitigation (construction) techniques, products and procedures, codes and standards, and related areas).

5. Projects, which enhance program effectiveness, measurement and attainment of, project goals and recommendations for improvement.
6. Other projects that will further wind mitigation/RCMP objectives, which have been designated by the Program as priorities in the applicable Notice of Fund Availability/RFP.

Priority Areas:

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

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

TO DOWNLOAD SECTION 215.559, FLORIDA STATUTES, APPLICATION PACKET AND related information please visit our website at <http://www.floridadisaster.org/brm/rcmp/index.htm>.

Applications must be prepared in conformance with the application packet instructions. Applications must be received on or before June 11, 2007, 4:00 p.m. eastern standard time at the address below:

Shemeeka Hopkins, Community Assistance Consultant
Division of Emergency Management
Attention: RCMP
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850)922-4079

DCA Final Order No.: DCA07-OR-087

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2007-03

FINAL ORDER

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

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On March 2, 2007, the Department received for review City of Marathon ("City") Ordinance No. 2007-03 ("Ord. 2007-03").
3. The purpose of Ord. 2007-03 is to amend the City's previously existing Land Development Regulations ("LDR") applicable to the Interim Comprehensive Plan with revised LDRs specific to the City's revised Comprehensive Plan as required by § 163.3202, Fla. Stat. (2006). Ord. 2007-03 amends and restates Chapter 9.5 (The Land Development Regulations) of the City of Marathon City Code; deletes Chapter 19 (Miscellaneous Land Development Regulations) and provides for the repeal of all Code provisions and Ordinances inconsistent with Ord. 2007-03.
4. The Ordinance amends Chapter 100 – General Provisions; Chapter 101 – Administrative Mechanisms; Chapter 102 – Development Application Review Procedures; Chapter 103 – Zoning Districts; Chapter 104 – Specific Use Regulations; Chapter 105 – Design District Guidelines; Chapter 106 – Natural and Historic Resources Protection; Chapter 107 – General Development Standards; Chapter 108 – Nonconformities; Chapter 109 – Violations, Penalties and Enforcement; Chapter 110 – Definitions; and Chapter 111 – Fees; of the City's LDRs. With the exception of the specifically identified portions of Sections 104.01, 106.27 and 106.38, the remaining Chapters are Consistent with the City's Comprehensive Plan.
5. Section 104.01 Level of Review for Use applicable to (1) an Assisted Living Facility, (2) a Group Home, and (3) Hotels or Motels are inconsistent with the City's Comprehensive Plan, Objective 1-3.5 Manage Growth Rate within the City, and Policy 1-3.5.4 Residential

Building Permit Allocation System. Data and analysis accompanying the above referenced Section 104.01 Level of Review for Use provisions was found insufficient.

6. Section 106.27 Jurisdiction and Delineation includes a Keys Wetland Evaluation Procedure (KWEP) score of 7.0 to identify "Red-flag" high functional capacity wetland areas is contrary to existing data and analysis identifying a score of 5.5 in the KEYWEP Technical Summary Document for purposes of distinguishing between moderate and high functioning wetlands.
7. Section 106.38 Exemptions related to activities allowed on submerged lands, mangroves, regulated surface waters, wetlands and wetland buffers is inconsistent with the City's Comprehensive Plan and should further clarify what specific exemption is applicable with regard to the City's permit application process, approval from the Department of Environmental Protection, or the South Florida Water Management District.

CONCLUSIONS OF LAW

8. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
9. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
10. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2007-03 are land development regulations.
11. 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.
12. Ord. 2007-03 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.
13. Ord. 2007-03 limited to the specifically identified portions of Sections 104.01, 106.27 and 106.38 is inconsistent with the City's Comprehensive Plan and inconsistent with 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.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural disaster or manmade disaster and for a post disaster reconstruction plan.

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

14. With the exception of Sections 104.01, 106.27 and 106.38, Or. 2007-03 is not inconsistent with the remaining Principles and is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that, with the exception of Sections 104.01, 106.27 and 106.38, Ord. 2007-03 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED. Specifically identified Sections 104.01, 106.27 and 106.38 are found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and are hereby REJECTED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN

THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 2nd day of May, 2007.

Paula Ford, Agency Clerk

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

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

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

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

DCA Final Order No.: DCA07-OR-088
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2007-04

FINAL ORDER

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

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On March 2, 2007, the Department received for review City of Marathon ("City") Ordinance No. 2007-04 ("Ord. 2007-04").
3. The purpose of Ord. 2007-04 is to amend the City's previously existing Land Development Regulations ("LDR") applicable to the Interim Comprehensive Plan with revised LDRs specific to the City's revised Comprehensive Plan as required by § 163.3202, Fla. Stat. (2006). Ord. 2007-04 amends the entire City Land Use District Map to provide consistency with the Future Land Use Map, and to reflect the zoning designations established by the City's revised Land Development Regulations.
4. Ord. 2007-04 is inconsistent with the City's 2010 Comprehensive Plan, and the following Future Land Use Map ("FLUM") designations as noted below:

Proposed Land Use District Map

Panel 1: Ord. 2007-04 is inconsistent with the Comprehensive Plan or FLUM.

- 1. Land Use District ("LUD"): Residential Mobile Home/Mixed Use Maritime
FLUM: Conservation (water/submerged lands)
2. LUD: Mixed Use
FLUM: N/A (water/submerged lands)
3. LUD: Residential Medium
FLUM: Conservation
4. LUD: Public
FLUM: Mixed Use Commercial
5. LUD: Mixed Use
FLUM: Residential Medium
6. LUD: Residential Conservation
FLUM: Recreation

Multiple locations of submerged lands are included in the zoning designations

Panel 2: Ord. 2007-04 is inconsistent with the Comprehensive Plan or FLUM.

- 6. LUD: Residential Conservation (also identified in Panel 1)
FLUM: Recreation
Multiple locations of submerged lands are included in the zoning designations

Panel 3: There are no inconsistencies with the Comprehensive Plan or FLUM.

Panel 4: Ord. 2007-04 is inconsistent with the Comprehensive Plan or FLUM.

7. FLUD: Residential Conservation
FLUM: Conservation

Panel 5: Ord. 2007-04 is inconsistent with the Comprehensive Plan and/or FLUM.

7. FLUD: Residential Conservation (also identified in Panel 4)

FLUM: Conservation

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2007-04 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. 2007-04 is inconsistent with the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.
10. Ord. 2007-04 is neutral in effect on the remaining Principles.

11. Ord. 2007-04 is inconsistent with the City's Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 2007-04 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

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

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ADMINISTRATIVE 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.

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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 2nd day of May, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

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

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

DEPARTMENT OF TRANSPORTATION

Airport Site Approval Order

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

EH-ONE, a private airport, in Hillsborough County, at Latitude 28° 07' 55.12" and Longitude 82° 35' 47.54", to be owned and operated by Mr. Ernest Haire, 16225 Villa Real De Avila, Tampa, FL 33612.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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 (2005), Adly Moto LLC, intends to allow the establishment of DK Cycles, Inc., as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 1341 Washington Avenue, Miami Beach (Dade County), Florida 33139, on or after May 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycles, Inc. are dealer operator(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139 and David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139 and David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139.

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: Tony Abrams, Director of Sales, Adly Moto LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), Cagiva USA, Inc., intends to allow the establishment of Gulf Coast Motorcycles LLC, as a dealership for the sale of MV Augusta motorcycles (MVAG) at 16090 South Tamiami Trail, Fort Myers (Lee County), Florida 33908, on or after May 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Motorcycles LLC are dealer operator(s): Edward B. Gallo, 6851 Misty Lake Court, Fort Myers, Florida 33908; principal investor(s): Edward B. Gallo, 6851 Misty Lake Court, Fort Myers, Florida 33908.

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: Lawrence G. Ferracci, Director of Operations, Cagiva USA, Inc., 2300 Maryland Road, Willow Grove, Pennsylvania 19090.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), Kawasaki Motors Corp., USA, intends to allow the establishment of Motorsports Fox Cycle and Marine, Inc., as a dealership for the sale of Kawasaki motorcycles (KAWK) at 1531 U.S. 1 Highway North, Jupiter (Palm Beach County), Florida 33458, on or after July 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Fox Cycle and Marine, Inc. are dealer operator(s): Craig Fox, 10346 Medicis Place, Wellington, Florida 33467; principal investor(s): Craig Fox, 10346 Medicis Place, Wellington, Florida 33467.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Capps, Regional Sales Director, Kawasaki Motors Corp., USA, 6110 Boat Rock Boulevard Southwest, Atlanta, Georgia 30336-2776.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), Carter Brothers Manufacturing, intends to allow the establishment of Pine Woods Center, Inc. d/b/a Pasco Cycles,

as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 10312 State Road 52, Hudson (Pasco County), Florida 34669, on or after April 24, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Pine Woods Center, Inc. d/b/a Pasco Cycles are dealer operator(s): Andrew and Connie Hennesey, 9536 Royal Palm Avenue, New Port Richey, Florida 34654; principal investor(s): Andrew and Connie Hennesey, 9536 Royal Palm Avenue, New Port Richey, Florida 34654.

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: Jack Mullinax, Sales Manager, Carter Brothers Manufacturing, 1871 U.S. Highway 231 South, Brundidge, Alabama 36010.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Yamaha Motor Corporation, USA, intends to allow the establishment of Polaris Powersports of the Nature Coast, Inc. d/b/a Nature Coast Motorsports, as a dealership for the sale of Riva (RIVA) and Yamaha motorcycles at 6250 Northwest 126 Place, Chiefland, (Levy County), Florida 32626, on or after June 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Polaris Powersports of the Nature Coast, Inc. d/b/a Nature Coast Motorsports are dealer operator(s): Lars Eric Langlo, 55 North Fresno Avenue, Hernando, Florida 34442; principal investor(s): Lars Eric Langlo, 55 North Fresno Avenue, Hernando, Florida 34442,

Marion L. Langlo, 604 West Massachusetts Street, Hernando, Florida 34442 and Lars Herbert Langlo, 604 West Massachusetts Street, Hernando, Florida 34442.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Richard Tilley, Legal Counsel, Yamaha Motor Corporation, USA, 6555 Katella Avenue, Cypress, California 90630.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), Tank Sports, Inc., intends to allow the establishment of Richland Auto Mall, Inc., as a dealership for the sale of KTMMEX motorcycles (KTMM) at 9429 Old Lakeland Highway, Dade City (Pasco County), Florida 33525, on or after April 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Richland Auto Mall, Inc. are dealer operator(s): Stephen E. Hussey, 9429 Old Lakeland Highway, Dade City, Florida 33525; principal investor(s): Stephen E. Hussey, 9429 Old Lakeland Highway, Dade City, Florida 33525.

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: Mike Turber, National Sales Manager, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), A & A Scooters, Inc., intends to allow the establishment of Road Power USA LLC, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacturing Co. Ltd. (BASH) at 927 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after May 1, 2007.

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

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Leah Jordan, Sales and Licensing Specialist, A & A Scooters, Inc., 11639 Emerald Street, Suite 100, Dallas, Texas 75229.

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

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

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

Pursuant to Section 320.642, Florida Statutes (2005), STR Motorsports, Inc., intends to allow the establishment of Ron Turner Cycles, Inc., as a dealership for the sale of KYMCO motorcycles (KYOO) at 10315 Beach Boulevard, Jacksonville (Duval County), Florida 32246, on or after April 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of STR Motorsports, Inc. are dealer operator(s): Ron Turner, 3750 Vickers Lake Drive, Jacksonville, Florida 32224; principal investor(s): Ron Turner, 3750 Vickers Lake Drive, Jacksonville, Florida 32224.

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 US Mail to: Bruce Ramsey, Vice President of Sales and Marketing, KYMCO USA, 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), Genuine Scooters LLC, intends to allow the establishment of Scooter Worx, Inc. d/b/a Scooter Superstore of America, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after April 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Worx, Inc. d/b/a Scooter Superstore of America are dealer operator(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020.

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: Jim Kolbe, Sr. Vice President, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Genuine Scooters LLC, intends to allow the establishment of Tokam, Inc. d/b/a Honda of Key West, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 417 Southard Street, Key West (Monroe County), Florida 33040, on or after May 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Tokam, Inc. d/b/a Honda of Key West are dealer operator(s): Victor Mills, 417 Southard Street, Key West, Florida 33040; principal investor(s): Victor Mills, 417 Southard Street, Key West, Florida 33040.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Sr. Vice President, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), Genuine Scooters LLC, intends to allow the establishment of Triumph South Florida LLC d/b/a Pure Triumph Fort Lauderdale, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 1880 South Federal Highway, Fort Lauderdale (Broward County), Florida 33316, on or after May 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Triumph South Florida LLC d/b/a Pure Triumph Fort Lauderdale are dealer operator(s): Martyn Graham, 1880 South Federal Highway, Fort Lauderdale, Florida 33316; principal investor(s): Martyn Graham, 1880 South Federal Highway, Fort Lauderdale, Florida 33316.

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 US Mail to: Jim Kolbe, Sr. Vice President, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

LAND AND WATER ADJUDICATORY COMMISSION

**MYAKKA RANCH COMMUNITY DEVELOPMENT
DISTRICT**

On December 6, 2006, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Myakka Ranch Community Development District (the "District"). The Commission received supplements to the petition from Petitioner on January 19, 22, and 25, 2007, and February 2, 22, and 26, 2007. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition, as supplemented.

SUMMARY OF CONTENTS OF PETITION: The petition, as supplemented, filed by Resource Conservation of Sarasota, LLC, requests the Commission to establish a community development district located entirely within the unincorporated area of Sarasota County, Florida. The land area proposed to be served by the District comprises approximately 1,055 acres. A general location map is contained as Exhibit 1 to the petition, as supplemented, to establish the District. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development is planned for approximately 375 single family residential units. The District contemplates providing certain master infrastructure improvements within the boundaries to include stormwater management and wetlands mitigation maintenance services, roadways and potable water and sanitary sewer service to all of these residences.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to establish the District. The complete text of the SERC is contained as Exhibit 4 to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of

implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and Sarasota County. Under section (b), FLWAC and the State of Florida will incur modest administrative costs. Sarasota County will incur modest costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a filing fee paid to Sarasota County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition, as supplemented, to establish the District will have no impact or a positive impact on all small businesses. The petition, as supplemented, to establish the District will not have an impact on small counties as defined by Section 120.52, F.S., as Sarasota County is not defined as a small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the Petitioner's engineer and other professionals associated with the Petitioner.

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

DATE AND TIME: Friday, May 25, 2007, 9:00 a.m.

PLACE: Holiday Inn Lakewood Ranch
6231 Lake Osprey Drive
Sarasota, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Kevin S. Hennessy, Lewis, Longman & Walker, P.A., (941)708-4040, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Kevin S. Hennessy, Lewis, Longman & Walker, P.A., 1001 3rd Avenue West, Suite 670, Bradenton, Florida, (941)708-4040 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Department of Environmental Protection has determined that Wakulla County's proposed construction of wastewater collection, transmission, treatment, and disposal facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$19,569,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Gary F. Swagart, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or contact him at (850)245-8374 or by email at gary.swagart@dep.state.fl.us.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Sections 403.201 and 373.414(17), Florida Statutes (F.S.), from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the U.S. Department of Navy, Naval Air Station, P. O. Box 9001, Key West, Florida 33040-90017601, to establish a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters located in the Straits of Florida, where it passes through the Florida Keys National Marine Sanctuary, which is classified as an Outstanding Florida Waterbody (The request for variance was submitted as a modification to Variance No 0207625-008-EV).

The existing ambient water quality within the temporary mixing zone located in Outstanding Florida Waters shall not be lowered as a result of the dredging activities for a period greater than 30 days, pursuant to Rule 62-4.242, F.A.C. The U.S. Department of the Navy shall abide by the conditions of Environmental Resource Permit 0207625-002-EM (as modified) as specified in the subject variance.

There is no practical means known for adequate control of elevated turbidity given the exceptional ecological nature of the receiving waters. Therefore, the Department intends to issue a variance, pursuant to Section 403.201(1)(a), F.S., for a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters within an Outstanding Florida Waterbody for a period not to exceed thirty days.

The Department's file (file no. 0207625-011-EV) on this matter 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 Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida, Telephone (850)413-7765, Attention Donna Kendall.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation 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, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, 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, 3900

Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

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, Florida Administrative Code.

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

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; 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 of the Florida Administrative Code. Under paragraphs 120.569(2)(c) and (d) of the Florida Statutes, 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), Florida Statutes, 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 of the Florida Statutes, 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, comment deadlines and the address for providing comments are available at: <http://approd.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 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jeffrey Calaluca, D.P.M., license number P. O. 1973. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 25, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lynn Marie Moore, L.P.N., license number RN 5173252. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 25, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Robbye Dane Villarreal, R.N., license number RN 9200049. 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.

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., June 1, 2007):

APPLICATION TO MERGE

Constituent Institutions: Vision Bank, Panama City, Florida and Vision Bank, Gulf Shores, Alabama
 Resulting Institution: Vision Bank, Florida
 Received: April 27, 2007

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Florida Traditions Bank, 14033 8th Street, Dade City, Pasco, Florida 33525
 Correspondent: John P. Greeley, Esquire, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801
 Received: May 1, 2007

deadline for submitting letters of intent (which are requested but not mandatory) and written questions is prior to 4:00 p.m. (EDST), on June 1, 2007. The deadline for submitting proposals is prior to 2:00 p.m. (EDST), on July 20, 2007. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

EARLY LEARNING COALITION OF SOUTHWEST FLORIDA

Agency Decisions

Invitation to Negotiate – ITN #SWF-0708

- School Readiness Services
- Inclusion Services
- Resource & Referral Services
- Voluntary Pre-Kindergarten Services (VPK)

Within Lee, Collier, Hendry and Glades Counties

The Early Learning Coalition of Southwest Florida, Inc. has tabulated the results from ITN #SWF-0708. After successful negotiations it is the intent of the Coalition to award a contract to Community Coordinated Care for Children, Inc. as a result of ITN #SWF-0708 for School Readiness, Inclusion, Resource & Referral and VPK services in Lee, Collier, Hendry and Glades Counties.

PROTESTS AND DISPUTES: Any person who is adversely affected by the Coalition’s decision concerning a procurement solicitation or Contract award and who wants to protest such decision shall file a protest in compliance with Section 120.57(3), Florida Statutes, and subsection 60A-1.006(6), Florida Administrative Code. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Any Applicant who desires to file a formal protest to this ITN, must accompany that protest with a bond payable to the Coalition in an amount equal to one percent of the Coalition estimate of the total volume of the Contract or \$5,000, whichever is less, which bond shall be conditioned upon the payments of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, the Coalition may accept a cashier's check or a money order in the amount of the bond. Failure to file the proper bond at the time of filing the formal protest will result in a denial of the protest.

Agency Decisions will be available at:

The Early Learning Coalition of Southwest Florida, Inc.
 12651 McGregor Blvd, Suite 4-402
 Ft. Myers, FL 33919

Please direct all written inquiries to: (All inquires shall be in writing)

Peter Escayg, Contract Manager
 12651 McGregor Blvd, Suite 4-402
 Ft. Myers, FL 33919
 Peter.Escayg@elcofswfl.org
 (239)267-4105 Phone
 (239)267-4109 Fax

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-05-2007-007
 DATE RECEIVED: April 27, 2007
 DEVELOPMENT NAME: ROYAL HIGHLANDS WEST
 DEVELOPER/AGENT: Glen Lakes Partnership/Richard Matassa
 DEVELOPMENT TYPE: 28-24.023, F.A.C.
 LOCAL GOVERNMENT Hernando County
 FILE NO.: BLIM-006-2007-008
 DATE RECEIVED: April 27, 2007
 DEVELOPMENT NAME: ABC/ORANGEWOOD EAST
 DEVELOPER/AGENT: Grande Lakes, LLC/Cecelia Bonifay
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, 28-24.020 F.A.C.
 LOCAL GOVERNMENT Orange County

RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – COMPETITIVE GRANT PROGRAM

The Division of Emergency Management is providing you with notification of its intent to open the State Fiscal Year 2007-2008 cycle for competitive awards from the Residential Construction Mitigation Program. Funding for SFY 2007-2008 is \$3.4 million.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications, however, no

single application shall seek or receive an award in excess of \$200,000 per state fiscal year. All eligible applicants, with the exception of counties and state agencies shall be limited to no more than three (3) application submissions in an application cycle in a state fiscal year and additional one (1) application submission per category.

The Division encourages all interested and eligible parties with projects that will enhance wind mitigation capabilities within the State of Florida to apply for awards during this open period in the following six categories.

APPLICATION CATEGORIES:

Applications are accepted in the following six categories:

1. Residential Mitigation Retrofit Program (Retrofit Program): Assistance to primarily low and moderate-income residents, which promotes wind mitigation (including retrofits, education, inspections and related activities). All retrofit or other installation of mitigation devices on residential structures MUST comply with the Blueprint for Safety Standard (BFS). The link to BFS: <http://www.blueprintforsafety.org>.
All contractors or installation personnel must be BFS certified.
Retrofits/Installations should be 'systemic', i.e. not just shutters, or just roof improvements, but a system that ties together all aspects of wind mitigation/BFS, to the maximum degree possible on the structure to be retrofitted. Where a systemic approach cannot be implemented, this must be clearly justified (i.e., structure has already been partially mitigated or structure does not otherwise require or cannot accept all aspects of BFS). Funding is on the basis of 75%/25%, match may be in-kind or direct. Recipients MUST include pre and post inspections to determine the scope of work and to certify completion. Recipients may contract for installation of BFS compliant retrofits or make allocations to homeowners for retrofit work, to be inspected and certified under the auspices of the subgrantee and the RCMP.
2. Projects that will promote public education and public information about wind mitigation and wind mitigation related areas, including but not limited to maintenance and enhancement of RCMP/wind mitigation on line information availability and program visibility.
3. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans and compliance with the State Hazard Mitigation Plan.
4. Projects that will promote market based, non-regulatory approaches to mitigation, including, but not limited to, training in regard to wind mitigation (construction) techniques, products and procedures, codes and standards, and related areas).

5. Projects, which enhance program effectiveness, measurement and attainment of, project goals and recommendations for improvement.
6. Other projects that will further wind mitigation/RCMP objectives, which have been designated by the Program as priorities in the applicable Notice of Fund Availability/RFP.

Priority Areas:

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

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

TO DOWNLOAD SECTION 215.559, FLORIDA STATUTES, APPLICATION PACKET AND related information please visit our website at <http://www.floridadisaster.org/brm/rcmp/index.htm>.

Applications must be prepared in conformance with the application packet instructions. Applications must be received on or before June 11, 2007, 4:00 p.m. eastern standard time at the address below:

Shemeeka Hopkins, Community Assistance Consultant
Division of Emergency Management
Attention: RCMP
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850)922-4079

DCA Final Order No.: DCA07-OR-087

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2007-03

FINAL ORDER

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

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On March 2, 2007, the Department received for review City of Marathon ("City") Ordinance No. 2007-03 ("Ord. 2007-03").
3. The purpose of Ord. 2007-03 is to amend the City's previously existing Land Development Regulations ("LDR") applicable to the Interim Comprehensive Plan with revised LDRs specific to the City's revised Comprehensive Plan as required by § 163.3202, Fla. Stat. (2006). Ord. 2007-03 amends and restates Chapter 9.5 (The Land Development Regulations) of the City of Marathon City Code; deletes Chapter 19 (Miscellaneous Land Development Regulations) and provides for the repeal of all Code provisions and Ordinances inconsistent with Ord. 2007-03.
4. The Ordinance amends Chapter 100 – General Provisions; Chapter 101 – Administrative Mechanisms; Chapter 102 – Development Application Review Procedures; Chapter 103 – Zoning Districts; Chapter 104 – Specific Use Regulations; Chapter 105 – Design District Guidelines; Chapter 106 – Natural and Historic Resources Protection; Chapter 107 – General Development Standards; Chapter 108 – Nonconformities; Chapter 109 – Violations, Penalties and Enforcement; Chapter 110 – Definitions; and Chapter 111 – Fees; of the City's LDRs. With the exception of the specifically identified portions of Sections 104.01, 106.27 and 106.38, the remaining Chapters are Consistent with the City's Comprehensive Plan.
5. Section 104.01 Level of Review for Use applicable to (1) an Assisted Living Facility, (2) a Group Home, and (3) Hotels or Motels are inconsistent with the City's Comprehensive Plan, Objective 1-3.5 Manage Growth Rate within the City, and Policy 1-3.5.4 Residential

Building Permit Allocation System. Data and analysis accompanying the above referenced Section 104.01 Level of Review for Use provisions was found insufficient.

6. Section 106.27 Jurisdiction and Delineation includes a Keys Wetland Evaluation Procedure (KWEP) score of 7.0 to identify "Red-flag" high functional capacity wetland areas is contrary to existing data and analysis identifying a score of 5.5 in the KEYWEP Technical Summary Document for purposes of distinguishing between moderate and high functioning wetlands.
7. Section 106.38 Exemptions related to activities allowed on submerged lands, mangroves, regulated surface waters, wetlands and wetland buffers is inconsistent with the City's Comprehensive Plan and should further clarify what specific exemption is applicable with regard to the City's permit application process, approval from the Department of Environmental Protection, or the South Florida Water Management District.

CONCLUSIONS OF LAW

8. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
9. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
10. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2007-03 are land development regulations.
11. 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.
12. Ord. 2007-03 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.
13. Ord. 2007-03 limited to the specifically identified portions of Sections 104.01, 106.27 and 106.38 is inconsistent with the City's Comprehensive Plan and inconsistent with 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.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural disaster or manmade disaster and for a post disaster reconstruction plan.

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

14. With the exception of Sections 104.01, 106.27 and 106.38, Or. 2007-03 is not inconsistent with the remaining Principles and is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that, with the exception of Sections 104.01, 106.27 and 106.38, Ord. 2007-03 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED. Specifically identified Sections 104.01, 106.27 and 106.38 are found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and are hereby REJECTED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN

THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 2nd day of May, 2007.

Paula Ford, Agency Clerk

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

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

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

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

DCA Final Order No.: DCA07-OR-088
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2007-04

FINAL ORDER

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

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On March 2, 2007, the Department received for review City of Marathon ("City") Ordinance No. 2007-04 ("Ord. 2007-04").
3. The purpose of Ord. 2007-04 is to amend the City's previously existing Land Development Regulations ("LDR") applicable to the Interim Comprehensive Plan with revised LDRs specific to the City's revised Comprehensive Plan as required by § 163.3202, Fla. Stat. (2006). Ord. 2007-04 amends the entire City Land Use District Map to provide consistency with the Future Land Use Map, and to reflect the zoning designations established by the City's revised Land Development Regulations.
4. Ord. 2007-04 is inconsistent with the City's 2010 Comprehensive Plan, and the following Future Land Use Map ("FLUM") designations as noted below:

Proposed Land Use District Map

Panel 1: Ord. 2007-04 is inconsistent with the Comprehensive Plan or FLUM.

- 1. Land Use District ("LUD"): Residential Mobile Home/Mixed Use Maritime
FLUM: Conservation (water/submerged lands)
2. LUD: Mixed Use
FLUM: N/A (water/submerged lands)
3. LUD: Residential Medium
FLUM: Conservation
4. LUD: Public
FLUM: Mixed Use Commercial
5. LUD: Mixed Use
FLUM: Residential Medium
6. LUD: Residential Conservation
FLUM: Recreation

Multiple locations of submerged lands are included in the zoning designations

Panel 2: Ord. 2007-04 is inconsistent with the Comprehensive Plan or FLUM.

- 6. LUD: Residential Conservation (also identified in Panel 1)
FLUM: Recreation
Multiple locations of submerged lands are included in the zoning designations

Panel 3: There are no inconsistencies with the Comprehensive Plan or FLUM.

Panel 4: Ord. 2007-04 is inconsistent with the Comprehensive Plan or FLUM.

7. FLUD: Residential Conservation
FLUM: Conservation

Panel 5: Ord. 2007-04 is inconsistent with the Comprehensive Plan and/or FLUM.

7. FLUD: Residential Conservation (also identified in Panel 4)

FLUM: Conservation

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2007-04 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. 2007-04 is inconsistent with the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.
10. Ord. 2007-04 is neutral in effect on the remaining Principles.

11. Ord. 2007-04 is inconsistent with the City's Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 2007-04 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA

ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 2nd day of May, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

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

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

DEPARTMENT OF TRANSPORTATION

Airport Site Approval Order

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

EH-ONE, a private airport, in Hillsborough County, at Latitude 28° 07' 55.12" and Longitude 82° 35' 47.54", to be owned and operated by Mr. Ernest Haire, 16225 Villa Real De Avila, Tampa, FL 33612.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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 (2005), Adly Moto LLC, intends to allow the establishment of DK Cycles, Inc., as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 1341 Washington Avenue, Miami Beach (Dade County), Florida 33139, on or after May 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycles, Inc. are dealer operator(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139 and David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139 and David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139.

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: Tony Abrams, Director of Sales, Adly Moto LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), Cagiva USA, Inc., intends to allow the establishment of Gulf Coast Motorcycles LLC, as a dealership for the sale of MV Augusta motorcycles (MVAG) at 16090 South Tamiami Trail, Fort Myers (Lee County), Florida 33908, on or after May 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Motorcycles LLC are dealer operator(s): Edward B. Gallo, 6851 Misty Lake Court, Fort Myers, Florida 33908; principal investor(s): Edward B. Gallo, 6851 Misty Lake Court, Fort Myers, Florida 33908.

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: Lawrence G. Ferracci, Director of Operations, Cagiva USA, Inc., 2300 Maryland Road, Willow Grove, Pennsylvania 19090.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), Kawasaki Motors Corp., USA, intends to allow the establishment of Motorsports Fox Cycle and Marine, Inc., as a dealership for the sale of Kawasaki motorcycles (KAWK) at 1531 U.S. 1 Highway North, Jupiter (Palm Beach County), Florida 33458, on or after July 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Fox Cycle and Marine, Inc. are dealer operator(s): Craig Fox, 10346 Medicis Place, Wellington, Florida 33467; principal investor(s): Craig Fox, 10346 Medicis Place, Wellington, Florida 33467.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Capps, Regional Sales Director, Kawasaki Motors Corp., USA, 6110 Boat Rock Boulevard Southwest, Atlanta, Georgia 30336-2776.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), Carter Brothers Manufacturing, intends to allow the establishment of Pine Woods Center, Inc. d/b/a Pasco Cycles,

as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 10312 State Road 52, Hudson (Pasco County), Florida 34669, on or after April 24, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Pine Woods Center, Inc. d/b/a Pasco Cycles are dealer operator(s): Andrew and Connie Hennesey, 9536 Royal Palm Avenue, New Port Richey, Florida 34654; principal investor(s): Andrew and Connie Hennesey, 9536 Royal Palm Avenue, New Port Richey, Florida 34654.

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: Jack Mullinax, Sales Manager, Carter Brothers Manufacturing, 1871 U.S. Highway 231 South, Brundidge, Alabama 36010.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Yamaha Motor Corporation, USA, intends to allow the establishment of Polaris Powersports of the Nature Coast, Inc. d/b/a Nature Coast Motorsports, as a dealership for the sale of Riva (RIVA) and Yamaha motorcycles at 6250 Northwest 126 Place, Chiefland, (Levy County), Florida 32626, on or after June 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Polaris Powersports of the Nature Coast, Inc. d/b/a Nature Coast Motorsports are dealer operator(s): Lars Eric Langlo, 55 North Fresno Avenue, Hernando, Florida 34442; principal investor(s): Lars Eric Langlo, 55 North Fresno Avenue, Hernando, Florida 34442,

Marion L. Langlo, 604 West Massachusetts Street, Hernando, Florida 34442 and Lars Herbert Langlo, 604 West Massachusetts Street, Hernando, Florida 34442.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Richard Tilley, Legal Counsel, Yamaha Motor Corporation, USA, 6555 Katella Avenue, Cypress, California 90630.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), Tank Sports, Inc., intends to allow the establishment of Richland Auto Mall, Inc., as a dealership for the sale of KTMMEX motorcycles (KTMM) at 9429 Old Lakeland Highway, Dade City (Pasco County), Florida 33525, on or after April 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Richland Auto Mall, Inc. are dealer operator(s): Stephen E. Hussey, 9429 Old Lakeland Highway, Dade City, Florida 33525; principal investor(s): Stephen E. Hussey, 9429 Old Lakeland Highway, Dade City, Florida 33525.

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: Mike Turber, National Sales Manager, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes (2005), A & A Scooters, Inc., intends to allow the establishment of Road Power USA LLC, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacturing Co. Ltd. (BASH) at 927 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after May 1, 2007.

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

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Leah Jordan, Sales and Licensing Specialist, A & A Scooters, Inc., 11639 Emerald Street, Suite 100, Dallas, Texas 75229.

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

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

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

Pursuant to Section 320.642, Florida Statutes (2005), STR Motorsports, Inc., intends to allow the establishment of Ron Turner Cycles, Inc., as a dealership for the sale of KYMCO motorcycles (KYOO) at 10315 Beach Boulevard, Jacksonville (Duval County), Florida 32246, on or after April 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of STR Motorsports, Inc. are dealer operator(s): Ron Turner, 3750 Vickers Lake Drive, Jacksonville, Florida 32224; principal investor(s): Ron Turner, 3750 Vickers Lake Drive, Jacksonville, Florida 32224.

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 US Mail to: Bruce Ramsey, Vice President of Sales and Marketing, KYMCO USA, 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), Genuine Scooters LLC, intends to allow the establishment of Scooter Worx, Inc. d/b/a Scooter Superstore of America, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after April 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Worx, Inc. d/b/a Scooter Superstore of America are dealer operator(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020.

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: Jim Kolbe, Sr. Vice President, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Genuine Scooters LLC, intends to allow the establishment of Tokam, Inc. d/b/a Honda of Key West, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 417 Southard Street, Key West (Monroe County), Florida 33040, on or after May 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Tokam, Inc. d/b/a Honda of Key West are dealer operator(s): Victor Mills, 417 Southard Street, Key West, Florida 33040; principal investor(s): Victor Mills, 417 Southard Street, Key West, Florida 33040.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Sr. Vice President, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

Pursuant to Section 320.642, Florida Statutes (2005), Genuine Scooters LLC, intends to allow the establishment of Triumph South Florida LLC d/b/a Pure Triumph Fort Lauderdale, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 1880 South Federal Highway, Fort Lauderdale (Broward County), Florida 33316, on or after May 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Triumph South Florida LLC d/b/a Pure Triumph Fort Lauderdale are dealer operator(s): Martyn Graham, 1880 South Federal Highway, Fort Lauderdale, Florida 33316; principal investor(s): Martyn Graham, 1880 South Federal Highway, Fort Lauderdale, Florida 33316.

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 US Mail to: Jim Kolbe, Sr. Vice President, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

LAND AND WATER ADJUDICATORY COMMISSION

**MYAKKA RANCH COMMUNITY DEVELOPMENT
DISTRICT**

On December 6, 2006, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Myakka Ranch Community Development District (the "District"). The Commission received supplements to the petition from Petitioner on January 19, 22, and 25, 2007, and February 2, 22, and 26, 2007. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition, as supplemented.

SUMMARY OF CONTENTS OF PETITION: The petition, as supplemented, filed by Resource Conservation of Sarasota, LLC, requests the Commission to establish a community development district located entirely within the unincorporated area of Sarasota County, Florida. The land area proposed to be served by the District comprises approximately 1,055 acres. A general location map is contained as Exhibit 1 to the petition, as supplemented, to establish the District. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development is planned for approximately 375 single family residential units. The District contemplates providing certain master infrastructure improvements within the boundaries to include stormwater management and wetlands mitigation maintenance services, roadways and potable water and sanitary sewer service to all of these residences.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to establish the District. The complete text of the SERC is contained as Exhibit 4 to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of

implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and Sarasota County. Under section (b), FLWAC and the State of Florida will incur modest administrative costs. Sarasota County will incur modest costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a filing fee paid to Sarasota County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition, as supplemented, to establish the District will have no impact or a positive impact on all small businesses. The petition, as supplemented, to establish the District will not have an impact on small counties as defined by Section 120.52, F.S., as Sarasota County is not defined as a small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the Petitioner's engineer and other professionals associated with the Petitioner.

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

DATE AND TIME: Friday, May 25, 2007, 9:00 a.m.

PLACE: Holiday Inn Lakewood Ranch
6231 Lake Osprey Drive
Sarasota, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Kevin S. Hennessy, Lewis, Longman & Walker, P.A., (941)708-4040, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Kevin S. Hennessy, Lewis, Longman & Walker, P.A., 1001 3rd Avenue West, Suite 670, Bradenton, Florida, (941)708-4040 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Department of Environmental Protection has determined that Wakulla County's proposed construction of wastewater collection, transmission, treatment, and disposal facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$19,569,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Gary F. Swagart, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or contact him at (850)245-8374 or by email at gary.swagart@dep.state.fl.us.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Sections 403.201 and 373.414(17), Florida Statutes (F.S.), from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the U.S. Department of Navy, Naval Air Station, P. O. Box 9001, Key West, Florida 33040-90017601, to establish a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters located in the Straits of Florida, where it passes through the Florida Keys National Marine Sanctuary, which is classified as an Outstanding Florida Waterbody (The request for variance was submitted as a modification to Variance No 0207625-008-EV).

The existing ambient water quality within the temporary mixing zone located in Outstanding Florida Waters shall not be lowered as a result of the dredging activities for a period greater than 30 days, pursuant to Rule 62-4.242, F.A.C. The U.S. Department of the Navy shall abide by the conditions of Environmental Resource Permit 0207625-002-EM (as modified) as specified in the subject variance.

There is no practical means known for adequate control of elevated turbidity given the exceptional ecological nature of the receiving waters. Therefore, the Department intends to issue a variance, pursuant to Section 403.201(1)(a), F.S., for a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters within an Outstanding Florida Waterbody for a period not to exceed thirty days.

The Department's file (file no. 0207625-011-EV) on this matter 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 Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida, Telephone (850)413-7765, Attention Donna Kendall.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation 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, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, 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, 3900

Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

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, Florida Administrative Code.

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

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; 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 of the Florida Administrative Code. Under paragraphs 120.569(2)(c) and (d) of the Florida Statutes, 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), Florida Statutes, 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 of the Florida Statutes, 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, comment deadlines and the address for providing comments are available at: <http://approd.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 1, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jeffrey Calaluca, D.P.M., license number P. O. 1973. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 25, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lynn Marie Moore, L.P.N., license number RN 5173252. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 25, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Robbye Dane Villarreal, R.N., license number RN 9200049. 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.

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., June 1, 2007):

APPLICATION TO MERGE

Constituent Institutions: Vision Bank, Panama City, Florida and Vision Bank, Gulf Shores, Alabama
 Resulting Institution: Vision Bank, Florida
 Received: April 27, 2007

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Florida Traditions Bank, 14033 8th Street, Dade City, Pasco, Florida 33525
 Correspondent: John P. Greeley, Esquire, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801
 Received: May 1, 2007