

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."

FLORIDA HOUSING FINANCE CORPORATION

RFQ 2009-04 Real Estate Brokerage Services

The Florida Housing Finance Corporation invites all qualified firms to provide real estate brokerage services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2009-04, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m., (Eastern Time), Friday, September 18, 2009, Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Qualifications from the Florida Housing Finance Corporation website at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFQs.a.spx. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA09-OR-271

In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY

POLK COUNTY ORDINANCE NOS. 03-12,
03-14, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68,
03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43,
04-58, 05-062, 06-012, 06-047, 06-048, 06-084,
07-055, 08-004, 08-005, 08-037, 08-041, 08-056,
and 09-009.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes, (2008), approving Polk County Ordinances Nos. 03-12, 03-14 with the

exception of Table 2.1, and Section 222B, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055 with the exception of Chapter 2, Section 227, A5 Exemptions, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On June 10, 2009, the Department received for review Polk County Ordinance Nos. 03-12, 03-14, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009 which were adopted by the Polk County Board of County Commissioners ("Ordinances") over a five year time frame.
3. The proposed ordinances contain definitions, administrative procedures, revisions to zoning districts, buffer setbacks from environmentally sensitive lands, open space definitions and clustering requirements, impervious surfaces, concurrency requirements, minimum requirements for road access, level of service standards, accessory uses, and general guidance for administering growth decisions.
4. The Ordinances, with the exception of the above identified portions of Ordinance No. 03-14 and Ordinance No. 07-55 are consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Florida Statutes (2008).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in

the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. (“Principles”).

- 9. Ordinance Nos. 03-12, 03-14 with the exception of Table 2.1, and Section 222B, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055 with the exception of Chapter 2, Section 227, A5 Exemptions, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009 are consistent with the Principles in Rule 28-26.003, Florida Administrative Code.

WHEREFORE, IT IS ORDERED that Ordinance Nos. 03-12, 03-14 with the exception of Table 2.1, and Section 222B, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055 with the exception of Chapter 2, Section 227, A5 Exemptions, 08-004, 08-005, 08-037, 08-041, 08-056 and 09-009 are found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

WHEREFORE, IT IS ORDERED that Ordinance No. 03-14 Table 2.1, Section 222B; and Ordinance No. 07-055 Chapter 2, Section 227, A5 Exemptions, are found to be inconsistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby REJECTED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN

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

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

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of August, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DCA Final Order No.: DCA09-OR-272

In re: POLK COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY POLK COUNTY ORDINANCE NOS. 03-15, 03-23, 03-67, 03-95, 04-04, 04-80, 05-05, 07-039, 08-001, 08-013, 08-016 and 09-006.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6) and (11), Florida Statutes, (2008), approving Polk County Ordinances Nos. 03-15, 03-23, 03-67, 04-04, 04-80, 05-005, 08-001, 08-013, 08-016, 09-006, and 07-039 with the exception of Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional

Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and approving Polk County Ordinance No. 03-95 with the exception of Chapter 10 Definitions Recreation and High Intensity.

FINDINGS OF FACT

- 1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On June 10, 2009, the Department received for review Polk County Ordinance Nos. 03-15, 03-23, 03-67, 03-95, 04-04, 04-80, 05-05, 07-039, 08-001, 08-013, 08-016, and 09-006 which were adopted by the Polk County Board of County Commissioners ("Ordinances") over a five year time frame.
3. The proposed ordinances contain definitions, administrative procedures, revisions to zoning districts, buffer setbacks from environmentally sensitive lands, open space definitions and clustering requirements, impervious surfaces, concurrency requirements, minimum requirements for road access, level of service standards, accessory uses, and general guidance for administering growth decisions.
4. The Ordinances, with the exception of the above identified portions of Ordinance No. 07-039 and Ordinance No. 03-95 are consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

- 5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Florida Statutes (2008).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").

9. Ordinance Nos. 03-15, 03-23, 03-67, 04-04, 04-80, 05-005, 08-001, 08-013, 08-016, 09-006 and 07-039 with the exception of Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and Ordinance No. 03-95 with the exception of Chapter 10 Definitions Recreation and High Intensity, are consistent with the Principles in Rule 28-26.003, Florida Administrative Code.

WHEREFORE, IT IS ORDERED that Ordinance Nos. 03-15, 03-23, 03-67, 04-04, 04-80, 05-005, 08-001, 08-013, 08-016, 09-006 and 07-039 with the exception of Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and Ordinance No. 03-95 with the exception of Chapter 10 Definitions Recreation and High Intensity are found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

WHEREFORE, IT IS ORDERED that Ordinance No. 07-039 Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and Ordinance No. 03-95 Chapter 10 Definitions Recreation and High Intensity are found to be inconsistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby REJECTED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

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Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DEPARTMENT OF TRANSPORTATION

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:

Belle Glade Medical Helistop, a private airport, in Palm Beach County, at Latitude 26°43'25.36" and Longitude 80°40'19.0", to be owned and operated by Health Care District Of Palm Beach, 1201 South Main Street, Belle Glade, Florida 33430.

A copy of the Airport Site Approval Order, the applicable rules, and other pertinent information may be obtained by contacting Mr. Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, www.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: 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, notice is given that Hyosung Motors America, Inc., intends to allow the establishment of D & D Cycles, Inc., as a dealership for the sale of Hyosung motorcycles (HYOS) at 2400 Fernwood Street, Pensacola (Escambia County), Florida 32505, on or after August 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of D & D Cycles, Inc. are dealer operator(s): Robert McLendon, Jr., 1174 Harrison Avenue, Gulf Breeze, Florida 32563 and Julie McLendon, 1174 Harrison Avenue, Gulf Breeze, Florida 32563; principal investor(s): Robert McLendon, Jr., 1174 Harrison Avenue, Gulf Breeze, Florida 32563 and Julie McLendon, 1174 Harrison Avenue, Gulf Breeze, Florida 32563.

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 Kim, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Fiber Unlimited, Inc. d/b/a Eco Sports Center, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 207 North Goldenrod Road, Suite 200, Orlando (Orange County), Florida 32807, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fiber Unlimited, Inc. d/b/a Eco Sports Center are dealer operator(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807; principal investor(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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
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Pursuant to Section 320.642, Florida Statutes, notice is given that Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Fiber Unlimited, Inc. d/b/a Eco Sports Center, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 207 North Goldenrod Road, Suite 200, Orlando (Orange County), Florida 32807, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fiber Unlimited, Inc. d/b/a Eco Sports Center are dealer operator(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807; principal investor(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807.

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The name and address of the dealer operator(s) and principal investor(s) of Fiber Unlimited, Inc. d/b/a Eco Sports Center are dealer operator(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807; principal investor(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America, LLC, intends to allow the establishment of Sandy Sansing Imports, Inc. d/b/a MINI of Pensacola, as a dealership for the sale of Mini passenger cars (MINC) at 186 West Airport Boulevard, Pensacola (Escambia County), Florida 32505-2246, on or after August 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Sandy Sansing Imports, Inc. d/b/a MINI of Pensacola are dealer operator(s): Robert C. Sansing, 186 West Airport Boulevard, Pensacola, Florida 32505-2246; principal investor(s): Robert C. Sansing, 186 West Airport Boulevard, Pensacola, Florida 32505-2246.

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: Elizabeth A. Taschler, BMW of North America, LLC, Post Office Box 1227, Westwood, New Jersey 07677.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Cobra Scooters, LLC, intends to allow the establishment of Jab Motorsports Corp. d/b/a Motor Scooters N More, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 188 North Federal Highway, Deerfield Beach (Broward County), Florida 33441, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jab Motorsports Corp. d/b/a Motor Scooters N More are dealer operator(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441; principal investor(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441.

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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Cobra Scooters, LLC, intends to allow the establishment of Jab Motorsports Corp. d/b/a Motor Scooters N More, as a dealership for the sale of motorcycles manufactured by Taiwan Golden Bee Co. Ltd. (TAIW) at 188 North Federal Highway, Deerfield Beach (Broward County), Florida 33441, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jab Motorsports Corp. d/b/a Motor Scooters N More are dealer operator(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441; principal investor(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441.

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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Jiansu Linhai Power Machinery Co. Ltd. (LINH) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg (Pinellas County), Florida 33704, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704.

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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway, West, Suite 100, Houston, Texas 77071.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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, notice is given that Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Swanders, Inc. d/b/a Swanders Auto Mart, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 5546 North Lecanto Highway, Beverly Hills (Citrus County), Florida 34465, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Swanders, Inc. d/b/a Swanders Auto Mart are dealer operator(s): Carl Swanders, 5546 North Lecanto Highway, Beverly Hills, Florida 34465; principal investor(s): Carl Swanders, 5546 North Lecanto Highway, Beverly Hills, Florida 34465.

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, 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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

LETTER OF INTENT

The Agency for Health Care Administration received and accepted the following letter of intent for the September 9, 2009 application filing date for Hospital Beds and Facilities batching cycle:

County: Duval District: 4
Date Filed: 8/10/2009 LOI #: H0908001
Facility/Project: West Jacksonville Medical Center, Inc.
Applicant: West Jacksonville Medical Center, Inc.
Project Description: Establish an acute care hospital of up to 150 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 14, 2009, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 25, 2009.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on August 5, 2009, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Section 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- | CON# | INITIAL | DECISION, | PROJECT, | CTY, |
|-------|--|----------------|-----------------|--------------|
| | APPLICANT, PARTY REQUEST HEARING (PRH) | | | |
| 10048 | Approval, | establish | a comprehensive | medical |
| | rehabilitation | hospital | of up to 60 | beds, Marion |
| | County, | HealthSouth | Rehabilitation | Hospital of |
| | Ocala, LLC, | (PRH) Shands | Teaching | Hospital and |
| | Clinics, Inc. | d/b/a Shands | Rehab | Hospital |
| 10048 | Approval, | establish | a comprehensive | medical |
| | rehabilitation | hospital | of up to 60 | beds, Marion |
| | County, | HealthSouth | Rehabilitation | Hospital of |
| | Ocala, LLC, | (PRH) Leesburg | Regional | Medical |
| | Center, Inc. | | | |

- 10050 Denial, establish a 5 bed inpatient hospice facility known as Estelle’s House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant
- 10051 Denial, establish a 9 bed inpatient hospice facility known as Legacy House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant
- 10052 Denial, establish a 5 bed inpatient hospice facility known as Sylvia’s House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant
- 10053 Denial, establish a 9 bed inpatient hospice facility known as Tuscany House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant

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.”

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the U.S. Army Corps of Engineers, Mobile office, c/o Curtis Flakes, 109 St. Joseph Street, Mobile, AL 36602, (File No.0288799-002-BV) to allow to allow the turbidity mixing zone to exceed 150 meters; and from sub-subparagraph 62-4.242(2)(a)2.b. and subsections 62-302.700(1), 62-312.080(3), F.A.C., to establish a maximum allowable turbidity level above background for work within Gulf Islands National Seashore, Outstanding Florida Waters (OFW). The project entails periodic maintenance dredging and disposal of material from the Destin East Pass Channel. The federally authorized East Pass project consists of dredging the Gulf of Mexico to Choctawhatchee Bay, north of the Highway 98 bridge, and the East Pass channel into Old Pass Lagoon, 3,800 feet long from East Pass Channel into Old Pass Lagoon (Destin Harbor). The Department’s file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 5050 West Tennessee St., Bldg. B, Tallahassee, Florida 32304, Telephone: (850)488-7708.

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): Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

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

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

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

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)4., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any

persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

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

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

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

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

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

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

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175273-008 EV-VE) to Vecellio and Grogan, Inc., 101 Sansbury's Way, West Palm Beach, Florida 33411, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels in a manmade lake to exceed the minimum levels set by Rule 62-302.530, F.A.C. The manmade lake is proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), Florida Statutes. The proposed expansion of the limestone mine is located immediately east of the Water Conservation Area 3B, north of U.S. Highway 27, and west of the Florida Turnpike in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175273-006, and is not the subject of this intent to issue a variance.

Part of the proposed expansion, involves the construction of two large quarry pits located in sections 4 and 5, Township 53 South, Range 40 East. At the completion of the mining operations, the two large quarry pits are proposed to be connected to create a large 634-acre manmade lake, which may be used as a reservoir for the Comprehensive Everglades

Restoration Plan (CERP). This large manmade lake is the sole subject of this intent to issue a variance, and has been assigned File No. 175273-008.

Portions of the proposed manmade lake will occupy land owned by either the State of Florida or the South Florida Water Management District (SFWMD), and would be therefore subject to the water quality standards provided in Rule 62-302.530, F.A.C. On May 28, 2009, Vecellio and Grogan, Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 63-302.530, F.A.C., for a portion of the manmade lake. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in this proposed manmade lake will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lake, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as prescribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lake. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lake. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

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

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

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent 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, F.S. 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, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant 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 granted 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, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department of Environmental Protection, 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, F.A.C.

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

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

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

sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk, Department of Environmental Protection, 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.

NOTICE OF RECEIPT OF APPLICATION FOR NATURAL GAS TRANSMISSION PIPELINE CERTIFICATION

On July 30, 2009 the Department of Environmental Protection (Department) received an application for certification of a natural gas transmission pipeline pursuant to the Natural Gas Transmission Pipeline Siting Act, Section 403.9401 et seq., Florida Statutes, concerning Florida Power and Light (FPL) Energy Secure Line Natural Gas Transmission Pipeline Siting Application No. NG09-02, OGC Case No. 09-3259, DOAH Case No. 09-004151TL. The Department is reviewing the application to allow construction and operation of a mainline corridor, two lateral corridors, and two aboveground facilities. The total length of the proposed transmission line corridor to be certified is approximately 300 miles. A copy of the application for certification is available for review in: Office of Michael P. Halpin, Siting Coordination Office, Department of

Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Chapter 403.941, F.S., statutory agency parties to the site certification proceeding will review the application. A public certification hearing will be announced in this proceeding. The certification hearing will address environmental impacts of the application. Pursuant to Section 403.9411(4)(c), F.S., the following shall become parties to the proceeding upon the filing with the administrative law judge of a notice of intent to be a party no later than 30 days prior to the certification hearing: 1) Any agency not listed in Section 403.9411(4)(a), F.S., as to matters within its jurisdiction, and 2) Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed pipeline or corridor is to be located. Additionally, any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding at least 30 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. Any petition to intervene must be filed (received) in the docket listed above at the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060.

FLORIDA STATE CLEARINGHOUSE

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

DEPARTMENT OF HEALTH

On August 11, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Matthew Calouro, C.N.A. License #CNA 182253. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections

456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kenneth A. Matsko, R.N., C.R.N.A. License #ARNP 2901982. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Charisse Prioleau-McRae, C.N.A. License #CNA 1256444. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 11, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Joseph Morsch, R.N. License #RN 9272315. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.
