

33901, on Friday, September 4, 2009. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

DEPARTMENT OF MANAGEMENT SERVICES

STATE OF FLORIDA
 DEPARTMENT OF MANAGEMENT SERVICES
 DIVISION OF REAL ESTATE
 DEVELOPMENT AND MANAGEMENT
 PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
 MANAGEMENT SERVICES
 FOR CONTINUING CONTRACTS
SOUTH FLORIDA REGION

The State of Florida, Department of Management Services Division of Real Estate Development and Management requests qualifications from Construction Management at Risk firms located in South Florida. These contracts may be used for projects anywhere in the State of Florida; however, it is anticipated that the firms selected during this process will be activated for projects in the South Florida vicinity. The Department of Management Services may enter into a contract with no less than three (3) Construction Management firms with responsibility for performance of construction contracts which may vary in size up to \$2,000,000.00.

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

STATE OF FLORIDA
 DEPARTMENT OF MANAGEMENT SERVICES
 DIVISION OF REAL ESTATE
 DEVELOPMENT AND MANAGEMENT
 PUBLIC ANNOUNCEMENT FOR
 CONSTRUCTION MANAGEMENT SERVICES
 FOR CONTINUING CONTRACTS
 CENTRAL FLORIDA REGION

The State of Florida, Department of Management Services Division of Real Estate Development and Management requests qualifications from Construction Management at Risk firms located in Central Florida. These contracts may be used for projects anywhere in the State of Florida; however, it is anticipated that the firms selected during this process will be activated for projects in the Central Florida vicinity. The Department of Management Services may enter into a contract with no less than three (3) Construction Management firms with responsibility for performance of construction contracts which may vary in size up to \$2,000,000.00.

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

SCHOOL BOARD OF PASCO COUNTY

Construction, Kraft Roll, Art Tissue, and
 Drawing Papers “As Needed” Basis/FEPC

On behalf of the following school districts: Alachua, Brevard, Charlotte, Collier, Desoto, Escambia, Leon, Pasco, and Volusia Counties, notice is hereby given that sealed bids will be received and publicly opened thereafter at the office of the Purchasing Department, District School Board of Pasco County, 20430 Gator Lane, Land O’ Lakes, FL 34638 on or until October 12, 2009. Bids will be accepted and publicly opened on October 12, 2009 if date/time stamped 2:30 p.m. or earlier; date/time stamped of 2:30:01 or later will be rejected.

NAME OF PROJECT: Bid #10-049-KG
 Construction, Kraft Roll, Art Tissue,
 and Drawing Papers
 “As Needed” Basis/FEPC
 AVAILABLE: <http://purchasing.Pasco.k12.fl.us>
 (under “Vendor Bid”)
 INSURANCE: Standard Workman’s
 Comprehensive, Public Liability,
 Automobile Liability and Property
 Damage

The District School Board of Pasco County reserves the right to waive minor formalities in any bid, to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Awards will be made to the lowest and best responsive and responsible bidder, in the opinion and at the option of the District School Board of Pasco County. Their decision shall be final and conclusive.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.3177(2), FLORIDA
 STATUTES

DCA DOCKET NO. 53-05

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Polk County School Board and the Town of Dundee, pursuant to Section 163.3177, F.S., to be consistent with the minimum requirements of Sections 163.3177(2), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Dundee, Planning Department, 141 E. Main Street, Dundee, Florida 33838.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Polk County School Board and the Town of Dundee. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

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.: BLIVR-11-2009-002
 DATE RECEIVED: September 8, 2009
 DEVELOPMENT NAME: KEY WEST RESORT & CONFERENCE CENTER
 DEVELOPER/AGENT: Robert Spottswood/Sherry A. Spiers
 DEVELOPMENT TYPE: 28-24.026, 28-24.023, 28-24.031, F.A.C.
 LOCAL GOVERNMENT: Key West

NOTICE OF FUNDING AVAILABILITY
 STATE OF FLORIDA COMMUNITY DEVELOPMENT
 BLOCK GRANT (CDBG)
 2008 DISASTER RECOVERY FUNDING

The Department of Community Affairs (DCA) announces the availability of disaster recovery funding in the amount of \$81,063,855, to address needs resulting from federally declared disasters in 2008. This CDBG disaster recovery funding is provided by the U.S. Department of Housing and Urban Development (HUD), as outlined in Federal Register / Volume 74, Number 29 and Federal Register / Volume 74, Number 156, and can only be used for Recovery from the federally declared disasters noted in the Federal Register Notices. The federal disaster declarations issued by the Federal Emergency Management Agency (FEMA) cover counties affected by Tropical Storm Fay (FEMA-3288-DR and FEMA-1785-DR), Hurricane Ike (FEMA-3293-DR), and Hurricane Gustav (FEMA-1806-DR). Please note that the Department initially noticed a Draft Action Plan and comment period on the first allocation of funding in the amount of \$17,457,005. However, since that Action Plan was not completed prior to the award of additional funds in the amount of \$63,606,850, and the Action Plan for the additional funds must be submitted to HUD no later than September 30, 2009, the Department determined that best alternative was to combine the two allocations since they were for recovery from the same weather events.

The State of Florida is required to submit an Action Plan to HUD which reflects proposed uses of the funds for disaster relief, long-term recovery, and restoration of infrastructure, public facilities, housing, and commercial or business areas. Urban Entitlements, Non-Entitlements eligible to participate in the Florida Small Cities Community Development Block Grant (CDBG) Program, and federally recognized Indian Tribes within (or contiguous to) the counties listed in the disaster declarations are eligible to apply for assistance.

The Department used FEMA damage assessment data, which was collected at the county level, to determine counties with the greatest unmet need. Damage assessment data and proposed allocations are reflected in the Draft Action Plan.

HUD has provided alternative Citizen Participation requirements to allow states to expedite the allocation of this funding. Therefore, the state will not conduct a public hearing

on the Draft Action Plan. To facilitate the public comment process, the Draft Action Plan is being emailed to local governments and posted to the Department's website at: <http://www.floridacommunitydevelopment.org/disasterrecovery.cfm>.

Comments will be accepted from September 2, 2009, through September 26, 2009, and can be hand-delivered, emailed or mailed to the Department.

Attention: CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100
 Telephone: (850)922-6075

Email: glenn.hodges@dca.state.fl.us or stacie.rolan-toci@dca.state.fl.us

The application cycle will be from October 27, 2009 through December 15, 2009. An application workshop will be held on October 27 and 28, 2009. Additional information about the workshop will be provided to all eligible local governments. Should the Department find it necessary to change the application cycle start and end dates, notice will be provided to all eligible local governments and will be posted to the Department's website.

A copy of the application, along with other relevant information, will be provided to eligible local governments and posted to the Department's website. Applicants must certify that no other funding is available to address the proposed activities reflected in the application and must document that they are directly a result of the 2008 storms. Please contact the Department at the address and telephone number listed above if you have questions.

Florida Small Cities Community Development Block Grant Program

The Department of Community Affairs, Florida Small Cities Community Development Block Grant (CDBG) Program, received \$7,530,194 in funding under the American Recovery and Reinvestment Act of 2009 from the U.S. Department of Housing and Urban Development (HUD). In order to receive this supplemental CDBG funding, the Department was required to amend its 2009 Annual Action Plan for the Small Cities CDBG Program. The Action Plan was submitted to HUD in June 2009 and was approved by HUD on August 13, 2009. This Action Plan outlined the distribution of the funding and specified the local governments that would receive funding. Requirements related to the regular Florida Small Cities CDBG Program apply to this funding.

The Department must amend the Action Plan that was approved due to factors that resulted in two local governments not being eligible for the funding. The Department plans to use the same methodology for awarding the grants, which results in two new local governments becoming eligible.

An amended Draft Action Plan is being posted to the Department's website at: <http://www.floridacommunitydevelopment.org/cdbg/index.cfm>

Comments on the Draft will be accepted from September 2 through September 28, 2009.

Comments may be submitted by email to Jackie.dupree@dca.state.fl.us or faxed to (850)922-5609. They may also be mailed to:

Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA09-OR-305

In re: CITY OF MARATHON LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 2009-18

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.

2. On July 9, 2009, the Department received for review City of Marathon Ordinance No. 2009-18 that was adopted by the City of Marathon Board of City Commissioners on June 9, 2009 ("Ord. 2009-18"). The purpose of Ord. 2009-18 is to amend Section 107.04, Establishment of Allocation Pools to include a new affordable allocation pool category entitled TBR Affordable Pool and amending Section 107.06, Limitations to include conditions for the provision of TBR affordable allocations.

3. Ord. 2009-18 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.16 Institute a Program for Transfer of Density and Building Rights; Policy 1-3.3.1 General Redevelopment Criteria; and Goal 2-1 Conserve Housing Stock.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 2009-18 are land development regulations.

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

8. Ord. 2009-18 is consistent with the following Principle:

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

(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.

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

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

9. Ord. 2009-18 is neutral with respect to the remaining Principles. Ord. 2009-18 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-18 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

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

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

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

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

DCA Final Order No.: DCA09-OR-308
In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-17

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On August 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-17 that was adopted by the City of Marathon Board of City Commissioners on June 23, 2009 ("Ord. 2009-17"). The purpose of Ord. 2009-17 is to amend Chapter 111, Article 3 of the City of Marathon Land Development Regulations by deleting the current text and substituting a new Article 3 to be entitled Planning Application and Review Fees Required.
3. Ord. 2009-17 is not inconsistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008) and Rule 31-31.002 (superseding Chapter 27F-8), F.A.C.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 2009-17 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the

“Principles”) as set forth in Section 380.0552(7), F.S. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2009-17 is consistent with the Principles for Guiding Development, Section 380.0552(7), F.S., as a whole and is not inconsistent with any principle.

WHEREFORE, IT IS ORDERED that Ord. 2009-17 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

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

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

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

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

DCA Final Order No.: DCA09-OR-304

In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO. 09-025.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), F.S., (2008), approving Polk County Ordinance No. 09-025.

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 July 7, 2009, the Department received for review Polk County Ordinance No. 09-025 which was adopted by the Polk County Board of County Commissioners ("Ordinances") June 17, 2009.

3. The proposed LDC 09T-22 amendment adopted by Ordinance No. 09-25 amends Ordinance No. 00-09, Section 704, Section 804, Section 906, and Section 907 of the Polk County Land Development Code to extend the approval date of Level 3 and Level 4 Review cases which have not yet submitted construction plans. The following Level 3 and Level 4 Review cases are within the Green Swamp Area of Critical State Concern and have been extended as a result of LDC 09T-22: CU 05-02M is extended to April 19, 2013; PD 05-34 is extended to October 11, 2012; CU 07-10 is extended to June 6, 2013; CU 07-27 is extended to October 11, 2013 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. Ordinance No. 09-025 is 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), F.S. (2008).

6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, F.S. (2008) and Rule Chapter 28-26, F.A.C.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (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), F.S.; 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, F.A.C. ("Principles").

9. Ordinance No. 09-025 is consistent with and furthers the Principles in Rule 28-26.003, F.A.C.

WHEREFORE, IT IS ORDERED that Ordinance No. 09-025 is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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

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

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

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 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 8th day of September, 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 Order No. DCA09-OR-307

In re: A LAND DEVELOPMENT REGULATION
ADOPTED
BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 09-03

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. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

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

2. On July 23, 2009, the Department received for review Islamorada, Village of Islands Ordinance No. 09-03 ("Ord. No. 09-03") adopted by the Village on March 12, 2009.

3. Ord. No. 09-03 amends Chapter 30 Land Development Regulations, Article II, Rules of Construction and Definitions, Section 30-32 Specific Definitions; Article V Schedule of District, Use and Development Standards, Division 2 Zoning Districts; Section 30-697 Neighborhood Commercial Zoning; and establishing Division 12 Uses Containing Drive-In and Drive-Through Components of Article VI Specific Use Regulations of the Village Code of Ordinances.

4. The purpose of Ord. No. 09-03 is to provide review criteria to address and regulate businesses with drive-in or drive-through components.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 09-03 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 Section 380.0552(7), F.S. (2008). 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. 09-03 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.

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

(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. 09-03 is not inconsistent with the remaining Principles. Ord. 09-03 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 09-03 is consistent with the Village Comprehensive Plan Objective 1-1.2: Reinforce and Enhance the Village's Appearance; Policy 1-1.2.1: Reinforce and Enhance the Village's Community Appearance; Policy 1-1.2.2 Enhance the Appearance and Function of the U.S. 1 Corridor; Policy 1-1.2.3 Enhance the Appearance and Function of the Old Road; Policy 1-2.4.1 Guide the Location of Commercial Uses and Revitalize Commercial Areas; Policy 2-1.2.4: Prevent Development Resulting in Additional Trips on Deficient Highway Segments; Policy 2-1.6.1: Participate in the Identification of Improvements to Reduce Accidents in High Accident Locations; and Policy 2-1.6.2: Increase Safety for Travel by all Modes Within Islamorada.

WHEREFORE, IT IS ORDERED that Ord. 09-03 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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.

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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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.

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

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

Beverly Raddatz, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

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

DCA Order No. DCA09-OR-306
In re: A LAND DEVELOPMENT
REGULATION ADOPTED
BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 09-04

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

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

2. On July 23, 2009, the Department received for review Islamorada, Village of Islands Ordinance No. 09-04 ("Ord. No. 09-04") adopted by the Village on April 9, 2009.

3. Ord. No. 09-04 amends Chapter 30 Land Development Regulations, Article II, Rules of Construction and Definitions, Section 30-32 Specific Definitions; and Article IV Administrative Procedures, Division 11 Building Permit Allocation System of the Village Code of Ordinances.

4. The purpose of Ord. No. 09-04 is to create a mechanism to allow applicants the option of deferring acceptance of a building permit allocation up to a limit of four Building Permit Allocation System quarters not exceeding twelve months.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2008).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2008), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), F.S. (2008). The regulations adopted by Ord. 09-04 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 Section 380.0552(7), F.S. (2008). 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. 09-04 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.

(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. 09-04 is not inconsistent with the remaining Principles. Ord. 09-04 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 09-04 is consistent with the Village Comprehensive Plan Goal 1-3: Limit Growth in Within the Village; Objective 1-3.1: Implement Limited Growth Objectives and Policies; and Policy 1-3.1.1: Establish a Building Permit Allocation System.

WHEREFORE, IT IS ORDERED that Ord. 09-04 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

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YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 8th day of September, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Don Achenberg, Mayor
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Beverly Raddatz, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Vehicles 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 JH Global Services Inc., intends to allow the establishment of Electric Car Outlet, LLC, as a dealership for the sale of low-speed vehicle manufactured by JH Global Services Inc. (STAR) at 572 North Highway 27/441, Lady Lake, (Lake County), Florida 32159, on or after September 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Electric Car Outlet, LLC are dealer operator(s): Matthew Wondrasek, 572 North Highway 27/441, Lady Lake, Florida 32159; principal investor(s): Matthew Wondrasek, 572 North Highway 27/441, Lady Lake, Florida 32159, Art Wondrasek, 572 North Highway 27/441, Lady Lake, Florida 32159 and Scott Allen, 572 North Highway 27/441, Lady Lake, Florida 32159.

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 MS65, 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: Jane Zhang, JH Global Services Inc, 52 Pelham Davis Circle, Greenville, South Carolina 29615.

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 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 JH Global Services Inc, intends to allow the establishment of The Cart Guys, LLC, as a dealership for the sale of low-speed vehicle manufactured by JH Global Services

Inc (STAR) at 28315 East Twin Lakes Drive, Punta Gorda, (Charlotte County), Florida 33955, on or after September 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of The Cart Guys, LLC are dealer operator(s): Rex Sterling, 28315 East Twin Lakes Drive, Punta Gorda, Florida 33955, principal investor(s): Rex Sterling, 28315 East Twin Lakes Drive, Punta Gorda, Florida 33955 and Carolyn Sterling, 28315 East Twin Lakes Drive, Punta Gorda, Florida 33955.

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 MS65, 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: Jane Zhang, JH Global Services Inc, 52 Pelham Davis Cir, Greenville, South Carolina, 29615.

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.

Custom Carriages, Inc. d/b/a Golf & Electric 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 JH Global Services Inc., intends to allow the establishment of Custom Carriages, Inc. d/b/a Golf & Electric Vehicles, as a dealership for the sale of low-speed vehicles manufactured by JH Global Services Inc. (STAR) at 3508 Phillip Highway, Jacksonville, (Duval County), Florida, 32207, on or after September 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Custom Carriages, Inc. d/b/a Golf & Electric Vehicles are dealer operator(s): Jason Brownell, 3508 Philip Highway, Jacksonville, Florida 32207; principal investor(s): Jason Brownell, 18754 East Colonial Drive, Orlando, Florida 32207.

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 US Mail to: Jane Zhang, JH Global Services Inc., 52 Pelham Davis Circle, Greenville, South Carolina, 29615.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Valley Scooters, LLC, intends to allow the establishment of Ferada Tile, Inc. d/b/a E & F Auto Group, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1308 East Altamonte Drive, Altamonte Springs, (Seminole County), Florida, 32701, on or after October 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ferada Tile, Inc. d/b/a E & F Auto Group are dealer operator(s): Fernando Menendez, 1308 East Altamonte Drive, Altamonte Springs, Florida 32701; principal investor(s): Fernando Menendez, 1308 East Altamonte Drive, Altamonte Springs, Florida 32701.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175244-007 EV-VE) to Cemex Construction Materials Florida, LLC, 1501 Belvedere Road, West Palm Beach, Florida, 33406, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the FEC Quarry, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are 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), F.S. The proposed expansion of the limestone mine is located immediately south of Okeechobee Road, 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. 175244-004, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of five large quarry pits located in sections 10, 14, 15, 21, 22, 23, 26 and 28, Township 52 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Cemex Construction Materials Florida, LLC., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 62-302.530, F.A.C., for the deeper portions of the manmade lakes. 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 the proposed manmade lakes 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 lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed 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 lakes. 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 lakes. 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 lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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 of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175252-009 EV-VE) to Cemex Construction Materials Florida, LLC, 1501 Belvedere Road, West Palm Beach, Florida 33406, under paragraph 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of Rule 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the SCL Quarry, to fall below the minimum levels set by

Rule 62-302.530, F.A.C. The manmade lakes are 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), F.S. The proposed expansion of the limestone mine is located immediately north of Tamiami Trail, 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. 175252-005, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of four large quarry pits located in sections 28, 33, 34, and Government Lot 4, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Cemex Construction Materials Florida, LLC., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 63-302.530, F.A.C., for the deeper portions of the manmade lakes. 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 the proposed manmade lakes 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 lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed 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 lakes. 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 lakes. 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 lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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 paragraph 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175232-009 EV-VE) to APAC-Southeast, Inc., 1451 Myrtle Street, Sarasota, Florida, 34234, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the APAC Mine, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are 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), F.S. The proposed expansion of the limestone mine is located immediately north of Northwest 41st Street and one mile 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. 175232-008, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of three large quarry pits located in sections 16, 23 and 24, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, APAC-Southeast, Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule

62-302.530, F.A.C., for the deeper portions of the manmade lakes. 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 the proposed manmade lakes 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 lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed 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 lakes. 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 lakes. 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 lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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 of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175257-006 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(30), Florida Administrative Code, (F.A.C.), which provides minimum

standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the White Rock Quarries South Mine, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are 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), F.S. The proposed expansion of the limestone mine is located immediately north of Northwest 58th Street and one-quarter of a mile 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. 175257-005, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of two large quarry pits located in section 13, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. 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 62-302.530, F.A.C., for the deeper portions of the manmade lakes. 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 the proposed manmade lakes 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 lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed 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 lakes. 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 lakes. 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 lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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 of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175235-008 EV-VE) to Florida Rock Industries, Inc., Post Office Box 4667, Jacksonville, Florida, 32201-4667, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the Florida Rock Miami Quarry, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are 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), F.S. The proposed expansion of the limestone mine is located on both sides of Northwest 41st Street and one mile 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. 175235-007, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of five large quarry pits located in sections 9, 15, 16, 21, 22, 23 and 26, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply

to all surface waters within the mine. On May 28, 2009, Florida Rock Industries, 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 the deeper portions of the manmade lakes. 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 the proposed manmade lakes 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 lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed 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 lakes. 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 lakes. 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 lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (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 of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 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 of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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.

Water Quality Criteria Exemption

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for color and odor pursuant to Rule 62-520.500, F.A.C, as part of the Class V underground

injection control construction Permit Number 220804-001-UC for Manatee County, 4410 66th Street West, Bradenton, Florida 34210. The exemption is for the aquifer storage and recovery (ASR) project injecting reclaimed water from the North Regional Wastewater Treatment Plant into Class G-II ground water. The ASR facility is located at 8500 69th Street East, Palmetto, Manatee County. The exemption is granted for the duration of Manatee County's underground injection control construction permit number 220804-001-UC for ASR-1 and subsequent renewals of said permit, and is made a part of the permit. The applicant, in conjunction with the Permit Number 220804-001-UC, must petition for any future exemptions for any additional ASR wells or an operation permit for any ASR project at the facility.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, Manatee County, Mr. Daniel T. Gray, Director of Utility Operation, 4410 66th Street West, Bradenton, Florida 34210, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;

(b) A statement of when and how each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400; Telephone Joe Haberfeld at (850)245-8655.

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175263-007 EV-VE) to Tarmac America, LLC, 455 Fairway Drive, Deerfield Beach, Florida, 33441, under paragraph 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels within manmade lakes at a reclaimed limestone mine, the Tarmac Pennsuco Quarry, to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lakes are 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), F.S. The proposed expansion of the limestone mine is located immediately west of the Florida Turnpike and two miles south of Okeechobee Road, 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. 175263-006, and is not the subject of this intent to issue a variance.

The proposed expansion involves the construction of seven large quarry pits located in sections 26, 27, 28, 33, 34 and 35, Township 52 South, Range 39 East, and sections 1, 3 and 10, Township 53 South, Range 39 East. During mining, stormwater will be contained within the mine pits by using a system of berms and elevated work areas. At the completion of mining, the reclaimed lakes will be re-connected with state waters by the removal of all upland berms, and the water

quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the mine. On May 28, 2009, Tarmac America, LLC., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 62-302.530, F.A.C., for the deeper portions of the manmade lakes. 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 the proposed manmade lakes 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 lakes, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed 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 lakes. 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 lakes. 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 paragraph 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lakes to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (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 of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

NOTICE OF AVAILABILITY OF FLORIDA COASTAL MANAGEMENT PROGRAM FUNDS FOR STATE AGENCIES AND WATER MANAGEMENT DISTRICTS

The Florida Coastal Management Program (FCMP) announces the availability of funds for activities related to implementation of the statutory authorities included in the federally-approved FCMP. A complete list of these statutes can be found at http://www.dep.state.fl.us/cmp/federal/23_statutes.htm. Funding proposals should contribute to the protection, management and enhancement of Florida's ocean and coastal resources, and also focus on achieving the policy issues identified in the Coastal Zone Management Act, including natural resource protection and management; hazard mitigation; water quality protection; siting of major developments; public access; redevelopment of urban, cultural and historic features; expedited governmental decision-making; effective coordination with federal agencies; effective public and local government participation; comprehensive planning and management of living marine resources; shoreline erosion and land subsidence; and ocean resource management. Within the context of these established coastal management priorities, the current national focus is on the effects of climate change, energy use and development, and improving the ability of coastal communities to recover from, and adapt to, both short- and long-term changes related to coastal hazards, climate change, resource management, commerce and business, fisheries, public access, and land use.

Priority consideration for funding will be given to proposals that complement other state and federal ocean and coastal resource management programs and meet or reduce unmet needs. State agencies and water management districts may apply for the grants. Applicants should note the following:

- Chapter 62S-5, F.A.C., describes the procedures for submitting applications and the criteria and procedures by which applications will be evaluated. A copy of the rule may be printed from the FCMP website at <http://www.dep.state.fl.us/cmp/grants/files/62S-5.pdf>. No specific application form is required, but proposals must not exceed 10 pages in length (excluding the cover page).
 - For projects involving construction, exotic species removal, habitat restoration and land acquisition, applicants must include a completed and signed '306A Checklist' with the application. The checklist may be obtained at <http://www.dep.state.fl.us/cmp/grants/files/306a-chklist.doc>.
 - Selected proposals will be included in the FCMP application to NOAA for FY 2010-11. The funding cycle begins July 1, 2010, and ends June 30, 2011.
 - Applications must be received no later than 4:00 p.m. (EST), November 19, 2009. Mail applications to: Florida Coastal Management Program, 3900 Commonwealth Blvd., MS 47, Tallahassee, FL 32399-3000.
- Questions regarding this notice should be directed to Susan Goggin at (850)245-2163 or by email to Susan.Goggin@dep.state.fl.us.

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

Notice of Emergency Action

On September 3, 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 James J. Repass, L.M.T. License # MA 55745. 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.

Notice of Emergency Action

On September 4, 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 Leonard J. Walton, III, C.N.A. License # CNA 60506. 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

Notice of Emergency Action

On September 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Starlet O'Hara Shaver, C.N.A. License # CNA 112841. 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.
