

SUBMITTAL SCHEDULE

Firms desiring to provide such professional services to the CPA must furnish six (6) copies and one (1) CD (containing complete proposal in pdf format) of their expression of interest to:

Canaveral Port Authority

Attn: Peggy Gooch, Sr. Administrative Assistant, Engineering
P. O. Box 267
445 Challenger Road
Cape Canaveral, FL 32920.

All proposals shall be delivered to the Canaveral Port Authority no later than 3:00 p.m., on Tuesday, March 1, 2011. The selected firm will be required to perform all contract services under a standard CPA service contract, a sample of which may be requested by contacting Peggy Gooch, Senior Administrative Assistant, Engineering, Canaveral Port Authority by email pgooch@portcanaveral.com or via phone at (321)783-7831, ext. 218. All notices will be posted on our website – <http://www.portcanaveral.com/general/bids/php>.

PUBLIC MEETING

A committee established by the Chief Executive Officer will meet on March 8, 2011 at 2:00 p.m. in the Port Commission Meeting Room to review and recommend for Commission approval a ranking of qualified firms to the CPA Commission at their regularly scheduled meeting to be held at 2:00 p.m. on March 16, 2011, at which time selections will be established.

Section XII Miscellaneous

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT the First District Court of Appeal, Case No. 1D10-0254, has directed the Department of Agriculture and Consumer Services to respond to the petition for declaratory statement filed by Exxon Mobil Corporation [ExxonMobil Oil Corporation has been substituted as the Petitioner] dated October 9, 2009, Agency Clerk No. A65281, by answering the following questions: (1) whether Florida's Price Gouging Law applies to commercial wholesale gasoline transactions such as those engaged in by ExxonMobil, and (2) whether ExxonMobil's use of the Gulf Coast Regional Platts Index protects it from an enforcement action under the Price Gouging Law. The Court's Mandate was filed January 13, 2011. ExxonMobil's Petition seeks the agency's opinion as to the applicability of provisions of Chapter 501, F.S., specifically Section 501.160 ("Price Gouging Law"), Section 501.164, The Florida Deceptive and Unfair Trade Practices Act ("Deceptive and Unfair Trade Practices Act"), Sections 501.201 through 501.213, F.S., to the circumstances confronting Exxon Mobil Corporation during a declared state of emergency.

A copy of the Petition for Declaratory Statement and the First District Court of Appeal's disposition may be obtained by contacting: William N. Graham, Senior Attorney, Office of General Counsel, Mayo Building, Room 526, Tallahassee, Florida 32399-0800.

DEPARTMENT OF COMMUNITY AFFAIRS

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

DCA DOCKET NO. 41-01

The Department gives notice of its intent to find the first amendment to the Amended Public Schools Interlocal Agreement ("Agreement") executed between the Manatee County School Board and each of the following local governments: Bradenton, Holmes Beach, Palmetto, Manatee County and Longboat Key, 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 School Board of Manatee County, 215 Manatee Avenue West, Bradenton, Florida 34205.

Any affected person, as defined in Section 163.3177(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 163.3177(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 Manatee County School Board, Bradenton, Holmes Beach, Palmetto, Manatee County and Longboat Key. 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-CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA11-OR-025

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2010-12

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to subsection 380.05(6), Fla. Stat., and Section 380.0552(9), Fla. Stat. (2010), 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 January 4, 2011, the Department received for review City of Marathon Ordinance No. 2010-12 ("Ord. 2010-12") that was adopted by the City of Marathon Board of City Commissioners on November 23, 2010. The purpose of Ord. 2010-12 is to amend Section 107.04.C, Administrative Relief Pool and limit the distribution of dwelling unit allocations to the administrative relief pool to 50 percent annually. Ord. 2010-12 also provides conditions for eligibility and procedures for allocating administrative relieve.

3. Ord. 2010-12 is consistent with the City's 2010 Comprehensive Plan including Goal 4-1 Conserve, Manage, Use and Protect Natural and Environmental Resources.

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. Subsection 380.05(6), Fla. Stat., and Section 380.0552(9), Fla. Stat. (2010).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat. (2010) 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), Fla. Stat. (2010). The regulations adopted by Ord. 2010-12 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), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2010-12 is consistent with the following Principles:

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

(c) To protect upland resources, tropical biological communities, freshwaterwetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

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

9. Ord. 2010-12 is neutral with respect to the remaining Principles. Ord. 2010-12 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2010-12 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 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 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 31st day of January, 2011.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Ginger Snead, 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

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

DCA Final Order No.: DCA11-OR-020
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2010-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to subsection 380.05(6), Fla. Stat., and Section 380.0552(9), Fla. Stat. (2010), 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 January 4, 2011, the Department received for review City of Marathon Ordinance No. 2010-13 ("Ord. 2010-13") that was adopted by the City of Marathon Board of City Commissioners on November 23, 2010. The purpose of Ord. 2010-13 is to amend Section 107.09.G3., Applications, and adding Section 107.09.C.1., Limits to Hammock BPAS Allocation. The purpose of Ord. 2010-13 is to limit new building permit allocations to one per year in properties designated hardwood hammock, palm hammock, cactus hammock or beach berm.

3. Ord. 2010-13 is consistent with the City's 2010 Comprehensive Plan including Goal 4-1.

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. Subsections 380.05(6) and 380.0552(9), Fla. Stat. (2010).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat. (2010) 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), Fla. Stat. (2010). The regulations adopted by Ord. 2010-13 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), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2010-13 is consistent with the following Principles:

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

(c) To protect upland resources, tropical biological communities, freshwaterwetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

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

9. Ord. 2010-13 is neutral with respect to the remaining Principles. Ord. 2010-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2010-13 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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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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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 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 31st day of January, 2011.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Ginger Snead, 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

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

DCA Final Order No.: DCA11-OR-015
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS
In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO.10-079.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to subsection 380.05(6) and (11), Fla. Stat., (2010), approving Polk County Ordinance No. 10-079.

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 December 6, 2010, the Department received for review Polk County Ordinance No. 10-079 that was adopted by the Polk County Board of County Commissioners on November 16, 2010.

3. Proposed Ordinance No. 10-079 amends Ordinance No. 00-09, Land Development Code, Section 401.03, North U.S. 27 Selected Area Plan, and Table 4.8, Use Table for U.S. 27 Selected Area Plan Land Use District to add Office Center – X (OCX) land use designation to Table 4.8, and to amend Section 303, Criteria for Conditional Use to restrict restaurant, sit-down, takeout uses to comprise no more than twenty percent of the overall district for Office Center (OC) and OCX land use districts.

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 Green Swamp Area of Critical State Concern. Subsection 380.05(6) and (11), Fla. Stat. (2010).

5. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Fla. Stat. (2010) and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Fla. Stat. (2010). The regulations adopted by the Ordinances 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 for that area. Section 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. Ordinance No. 10-079 is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

9. Ordinance No. 10-079 is consistent with the Polk County Comprehensive Plan Policy 2.113-C1: Characteristics; Policy 2.113-C2: Designation and Mapping; Policy 2.113-C3: Location Criteria; Policy 2.113-C4: Development Criteria C; and Policy 2.113-C5: Adjacent Development.

WHEREFORE, IT IS ORDERED that Ordinance No. 10-079 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 31st day of January, 2011.

Paula Ford, Agency Clerk

By U.S. Mail:

Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

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

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

DCA Final Order No.: DCA11-OR-016
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO.10-082.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to subsections 380.05(6) and (11), Fla. Stat., (2010), approving Polk County Ordinance No. 10-082.

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 December 21, 2010, the Department received for review Polk County Ordinance No. 10-082 that was adopted by the Polk County Board of County Commissioners on December 1, 2010.

3. Proposed Ordinance No. 10-082 amends Ordinance No. 00-09, Land Development Code, Section 211, Pools and Screen Enclosures; Section 303, Criteria for Conditional Uses; Section 401.04, US Highway 98 Selected Area Plan; Section 670 Wellhead Protection; Section 760, Signs; Section 930, Variances and Special Exceptions; Section 932, Waivers to Technical Standards, Clarifying Certain Provisions' Eligibility

for a Waiver or Variance; and revising Chapter 10, Definitions, Specifically Yard; and creating a new Section 228, Measurement of Setbacks.

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 Green Swamp Area of Critical State Concern. Subsections 380.05(6) and (11), Fla. Stat. (2010).

5. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Fla. Stat. (2010) and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Fla. Stat. (2010). The regulations adopted by the Ordinances 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 for that area. Section 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. Ordinance No. 10-082 is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

9. Ordinance No. 10-082 is consistent with the Polk County Comprehensive Plan Policy 2.102-A1: Compatibility; Policy 2.131-RA1: Designation and Mapping; Policy 2.131-RA3: General Development Criteria; Policy 2.125-D1: Utilities Permitted Uses; and Policy 2.125-D2, Utilities Development Controls.

WHEREFORE, IT IS ORDERED that Ordinance No. 10-082 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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

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

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 31st day of January, 2011.

Paula Ford, Agency Clerk

By U.S. Mail:

Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

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

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

DCA Final Order No.: DCA11-OR-019

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NO. 10-083.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to subsection 380.05(6) and (11), Fla. Stat., (2010), approving Polk County Ordinance No. 10-083.

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 December 20, 2010, the Department received for review Polk County Ordinance No. 10-083 that was adopted by the Polk County Board of County Commissioners on December 1, 2010.

3. Proposed Ordinance No. 10-083 amends Ordinance No. 00-09, Land Development Code, Section 206, Accessory Uses; Section 209, Accessory Buildings; and Section 930, Variances & Special Exceptions, revising criteria for accessory structures, their location, size and eligibility for a variance.

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 Green Swamp Area of Critical State Concern. Subsections 380.05(6) and (11), Fla. Stat. (2010).

5. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Fla. Stat. (2010) and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Fla. Stat. (2010). The regulations adopted by the Ordinances 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 for that area. Section 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. Ordinance No. 10-083 is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

9. Ordinance No. 10-083 is consistent with the Polk County Comprehensive Plan and furthers Future Land Use Policies 2.121-A2 and 2.121-A4.

WHEREFORE, IT IS ORDERED that Ordinance No. 10-083 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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.

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DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 31st day of January, 2011.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR 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 Kia Motors America, Inc., intends to allow the establishment of Rountree-Moore Ford, LLLP, as a dealership for the sale of automobiles manufactured by Kia (KIA) at 2588 West US Highway 90, Lake City, (Columbia County), Florida 32055, on or after March 11, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Rountree-Moore Ford, LLLP, are dealer operator(s): James Grady Moore, 556 Northwest Savannah Circle, Lake City, Florida 32055, principal investor(s): Andrew T. Moore, 123 Northwest Club View Circle, Lake City, Florida 32055.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Leslie Taylor-Moore, Kia Motors America, Inc., 100 Galleria Parkway, Suite 1550, Atlanta, Georgia 30339.

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 Zongshen, Inc., intends to allow the establishment of Scooters Zoom Corp., as a dealership for the sale of motorcycles manufactured by Chongqing Zongshen Group, (ZONG) at 1520 South Dixie Highway Bay-2, Hollywood, (Broward County), Florida 33020, on or after March 11, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Zoom Corp., are dealer operator(s): Eduardo Cabrera, 1520 South Dixie Highway Bay-2, Hollywood, Florida 33020; principal investor(s): Eduardo Cabrera, 1520 South Dixie Highway Bay-2, Hollywood, Florida 33020.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Jack Xu, Zongshen Inc., 3511 Northwest 113 Court, Miami, Florida 33178.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Gorilla Motor Works, LLC, intends to allow the establishment of Austin Global Enterprises, LLC, d/b/a New Scooters 4 Less as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd., (ZHNG) at 118 Northwest 14th Avenue, Suite D, Gainesville, (Alachua County), Florida 32601, on or after March 11, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises, LLC, are dealer operator(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601, principal investor(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Diana Hammer, Gorilla Motor Works, LLC, 12485 44th Street North, Suite A, Clearwater, Florida 33762.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Tokam, Inc., d/b/a Honda Key West as a dealership for the sale of motorcycles manufactured by

Zhejiang Taizhou Wangye Power Co., Ltd., (ZHEJ) at 417 Southard Street, Key West, (Monroe County), Florida 33040, on or after March 11, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Tokam, Inc., d/b/a Honda Key West are dealer operator(s): Victor Mills, 16 Calle Dos, Key West, Florida 33040, principal investor(s): Victor Mills, 16 Calle Dos, Key West, Florida 33040.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Carlos Ponce, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of D and D Cycles, Inc., as a dealership for the sale of motorcycles manufactured by Piaggio Group Americas, Inc., (APRI) at 2400 Fernwood Street, Pensacola, (Escambia County), Florida 32505, on or after March 11, 2011.

The name and address of the dealer operator(s) and principal investor(s) of D and D Cycles, Inc., are dealer operator(s): Julie Mclendon, 2400 Fernwood Street, Pensacola, Florida 32505; principal investor(s): Julie Mclendon, 2400 Fernwood Street, Pensacola, Florida 32505, and Robert D. Mclendon, 2400 Fernwood Street, Pensacola, Florida 32505.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Michael J. Babich, Piaggio Group Americas, Inc., 257 Park Avenue South, 4th Floor, New York, New York 10010.

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

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

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of intent to modify the Power Plant Conditions of Certification (COC) issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Riviera Beach Energy Center, Power Plant Siting Application No.: PA09-54A. On August 31, 2010, the Department received a request to modify the COC for Riviera Beach Energy Center (RBEC) from Florida Power & Light (FPL) pursuant to Section 403.516(1)(c), F.S., to modify and update the fuel supply plan to allow for the addition of an FPL owned and

operated natural gas pipeline lateral. The Department proposes to modify the COC to reflect the pipeline lateral addition and to incorporate Department initiated updates.

A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification hearing and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing.

The written objection must be filed (received) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c)3., F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), FPL or the Department may file a request for a hearing with the Department and the Division of Administrative Hearings on those portions of the request for modification to which written objections were timely filed. The request for hearing will be handled pursuant to Chapter 120, F.S., and in accordance with Section 403.516(1)(c)4., F.S., and subparagraph 62-17.211(1)(b)7., F.A.C. Mediation is not available in this proceeding.

Written Notice of Determination – Transmission Line Construction Not Subject to Transmission Line Siting Act Certification

Applications for certification for 230 kV transmission lines are subject to the Transmission Line Siting Act (TLSA) in accordance with the provisions of Sections 403.52 through 403.5365, Florida Statutes (F.S.) and Chapter 62-17, Part II of the Florida Administrative Code (F.A.C.). The Siting Coordination Office is the licensing authority responsible for making a determination regarding the necessity of Site Certification under the TLSA for this project. The licensing authority's physical address is: 3900 Commonwealth Blvd., Tallahassee, Florida. The licensing authority's mailing address

is: 3900 Commonwealth Blvd., MS #48, Tallahassee, Florida 32399-3000. The licensing authority's telephone number is (850)245-2002.

Progress Energy Florida (PEF), Inc. proposes to construct a new 230 kV transmission line, less than 15 miles in length, that begins at PEF's Intercession City Substation (and plant site) and terminates at the certified (but not yet constructed) Lake Agnes-Gifford transmission line, entering the Greater Orlando area from the west. Additional details of the proposed project are available from the Siting Coordination Office at the addresses listed above.

The Siting Coordination Office determines that the activity is exempt from licensing under the TLISA. The exemption of a transmission line under the TLISA does not constitute an exemption for the transmission line from other applicable permitting processes under other provisions of law or local government ordinances. The licensing authority gives notice of its intent to authorize PEF to obtain separate and individual permits and approvals for the above described activity. In accordance with Section 403.524(4), F.S., PEF shall provide a submittal filed to the department before the start of construction demonstrating that the transmission line(s) comply with the applicable electric and magnetic field standards. At that same time, the applicant shall additionally provide the licensing authority with amendment pages to the site certification application related to license TA07-16 (Lake Agnes-Gifford) showing the interconnection(s) between the Lake Agnes-Gifford certified corridor and the 230 kV tie to Intercession City. The above decision is made pursuant to Section 403.524(2)(d), F.S. The licensing authority will issue a Final Determination unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions. The license authority's Final Determination of exemption may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect.

A person whose substantial interests are affected by the proposed agency action may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions

filed by the applicant or any of the parties listed below must be filed within 21 days of receipt of this Written Notice of Intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the attached Public Notice. Under Section 120.60(3), F.S., however, any person who asked the licensing authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A 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 within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the licensing authority. The project file includes the Notice of Determination, the Public Notice of Intent and the request submitted by the applicant. Interested persons may contact the licensing authority for additional information at the address or phone number listed above.

NOTICE OF ROUTINE PROGRAM CHANGE REQUEST

A routine request to update the approved Florida Coastal Management Program (FCMP) has been submitted to the federal Office of Ocean and Coastal Resource Management (OCRM), of the National Oceanic and Atmospheric Administration (NOAA). The Department of Environmental Protection has determined that the proposed program changes are a routine program change as defined by 15 CFR 923.84. This routine program change will incorporate relevant statutory changes to the referenced statutes enacted by the Florida Legislature during the 2010 legislative session, which are included in the FCMP. These proposed changes seek to update all statutes which are part of the list of statutes that make up the FCMP, available at http://www.dep.state.fl.us/cmp/federal/24_statutes.htm.

Staff has evaluated these changes pursuant to 15 CFR 923.80 and concluded that the changes are not amendments to the FCMP. These changes will not result in any substantial

change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest.

This notice has been sent to affected parties, including affected local governments, state agencies, and regional offices of relevant federal agencies as required by 15 CFR 923.84(b)(2). A list of persons and organizations notified is available for inspection or can be provided at cost upon request from the FCMP.

Pursuant to 15 CFR 923.84, comments on whether the changes constitute a routine program change of the FCMP may be submitted to John King, NOAA/OCRM, Coastal Programs Division N/ORM3, Suite 11305, 1305 East-West Highway SSMC4, Silver Spring, MD 20910 within 21 days of the date of publication of this notice.

For more information on this Routine Program Change, please contact: Ms. Mayte Santamaria, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2161.

Florida State Clearinghouse

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

DEPARTMENT OF HEALTH

On January 28, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Debra Kay McElderry, L.P.N. License #PN 5150567. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 28, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Bonita Dolorus Jordan, L.P.N. License #PN 1022241. This

Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 28, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Donna Marie Stapleton, R.N., C.R.N.A., License #ARNP 3415762. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 28, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kimberly M. Maynard, C.N.A., License #CNA 181210. 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 January 28, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Keosha Valisha Black, C.N.A., License #CNA 196212. 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 January 28, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Joseph a. Bergnes, Jr., M.D., License #ME 22250. 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.

FLORIDA HOUSING FINANCE CORPORATION

HOUSING CREDIT PROGRAM NOTICE OF CREDIT AVAILABILITY (NOCA) 2011 CYCLE

The Florida Housing Finance Corporation (Florida Housing) announces an application cycle for the Housing Credit Program. The total 2011 allocation authority is estimated to be approximately \$39,856,663. The amount of housing credit allocation authority available for the 2011 cycle will vary based upon the 2011 per capita population figures and the amount allocated from the 2011 national pool (this dollar amount is subject to change). Geographic and targeting goals along with any set-asides will be described in the Qualified Allocation Plan approved by the Governor.

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing's web site at www.floridahousing.org or contact Jean Salmonsens at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site. If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System at (800)955-8770 or (800)955-8771.

All applications must be submitted in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Internal Revenue Code, Section 42.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

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

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P. O. Box 8050		General Counsel's Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 118
Phone (850)410-9800		101 East Gaines Street,
Fax: (850)410-9548		Tallahassee, Florida 32399-0379
		Phone: (850)410-9896

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., March 4, 2011):

APPLICATION TO MERGE

Constituent Institutions: BankFIRST, Winter Park, Florida, and East Coast Community Bank, Ormond Beach, Florida

Resulting Institution: BankFIRST

Received: January 28, 2011
