

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Order No. DCA11-OR-047

In re: A LAND DEVELOPMENT REGULATION ADOPTED  
BY ISLAMORADA, VILLAGE OF ISLANDS  
ORDINANCE NO. 10-16

**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. (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 Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On February 15, 2011, the Department received for review Islamorada, Village of Islands Ordinance No. 10-16 (“Ord. No. 10-16”) adopted by the Village on October 21, 2011.
3. Ord. No. 10-16 amends Chapter 30, Article IV Administrative Procedures, Division 11 Building Permit Allocation System to; delete the duplicative definition for Non Residential Floor Area at Section 30-472; limit the number of new allocations issued to no more than one permit per year that may result in the clearing of high quality hammock in Section 30-474(a); and modify Section 30-475 to clarify that the time frame for an applicant to obtain a building permit begins upon notification of an allocation award.

**CONCLUSIONS OF LAW**

4. 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is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2010).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2010), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2010). The regulations adopted by Ord. 10-16 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 All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. (2010). 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. 10-16 promotes and furthers the following Principles:
  - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, Hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
  - (f) To enhance natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historical character of the Florida Keys.
  - (g) To protect the historical heritage of the Florida Keys.
9. Ord. 10-16 is not inconsistent with the remaining Principles. Ord. 10-16 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 10-16 is consistent with the Village Comprehensive Plan Objective 6-1.7: Protect Native Vegetation and Marine Habitats; and Policies 6-1.7.1, 6-1.7.2 and 6-1.7.4.

WHEREFORE, IT IS ORDERED that Ord. 10-16 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.

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.

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.

J. Thomas Beck, 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 17th day of March, 2011.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Michael Reckwerdt, 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 Final Order No.: DCA11-OR-048  
In re: CITY OF MARATHON LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY ORDINANCE NO. 2010-15

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. (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 February 15, 2011, the Department received for review City of Marathon Ordinance No. 2010-15 (“Ord. 2010-15”) that was adopted by the City of Marathon, Board of City Commissioners on January 11, 2011. The purpose of Ord. 2010-15 is to amend Section 103.15 Standards, and Table 103.15.1 Uses By Zoning District to allow single family dwelling units to be a permitted use by right in all zoning districts within which they are currently allowed except for Parks and Recreation.
3. Ord. 2010-15 is consistent with the City’s 2010 Comprehensive Plan including Goal 1-3 Manage Growth and Objective 1-3.1 Managing Future Development and Redevelopment through Future Land Use Designations.

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. §§ 380.05(6), Fla. Stat., 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. § 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. § 380.031(8), Fla. Stat. (2010). The regulations adopted by Ord. 2010-15 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 § 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. 2010-15 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.

9. Ord. 2010-15 is neutral with respect to the remaining Principles. Ord. 2010-15 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2010-15 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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 J. Thomas Beck, AICP  
 Director, Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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**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 17th day of March, 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

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the publication of HHH Motors 2, LLP d/b/a Jack's Hyundai, as a new point for Hyundai automobiles for the line-make HYUN as a motor vehicle franchise dealership in Duval County by Hyundai Motor America, published in Vol. 37, No. 11, pages 742-743 of the Florida Administrative Weekly on March 18, 2011, has been withdrawn.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyundai Motor America, intends to allow the establishment of HHH Motors 2, LLP, Jack's Hyundai as a dealership for the sale of automobiles manufactured by Hyundai for the line-make HYUN at 1736 Cassat Avenue, Jacksonville, (Duval County), Florida, 32210, on or after May 1, 2011.

The name and address of the dealer operator(s) and principal investor(s) of HHH Motors 2, LLP, d/b/a Jack's Hyundai are dealer operator(s): Jack Hanania, 7200 Blanding Boulevard, Jacksonville, Florida 32244; principal investor(s):

John Joyner, 7200 Blanding Boulevard, Jacksonville, Florida 32244 and Hanania Automotive Corp, Six, 7200 Blanding Boulevard, Jacksonville, Florida 32244.

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: Bill Schultheiss, Hyundai Motor America, 270 Riverside Parkway, Suite A, Austell, Georgia 30168.

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

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#### Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Ruff & Tuff Electric Vehicles, Inc., intends to allow the establishment of Electric Cart Company, LLC, as a dealership for the sale of low-speed vehicles manufactured by Ruff & Tuff Electric Vehicles, Inc., (RUFF) at 5480 US Highway 98 West, Santa Rosa Beach, (Walton County), Florida 32459, on or after May 1, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Electric Cart Company, LLC, are John Waldrop, 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459, and Thomas Waldrop, 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459.

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: Henry B. Huff, Ruff & Tuff Electric Vehicles, Inc., 1 Ruff & Tuff Drive, Winnsboro, South Carolina 29180.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Gorilla Motor Works, LLC, intends to allow the establishment of Motorcycle Enthusiasts, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd., (ZHNG) at 5138 Commercial Way, Spring Hill, (Hernando County), Florida 34606, on or after May 1, 2011.

The name and address of the dealer operator and principal investor(s) of Motorcycle Enthusiasts Inc. is dealer operator: David Stephan Bernard, 1311 Kenlake Avenue, Spring Hill, Florida 34606; principal investor(s): are David Stephan Bernard, 1311 Kenlake Avenue, Spring Hill, Florida 34606, and Diana Annamaria Bernard, 1311 Kenlake Avenue, Spring Hill, Florida 34606.

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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF PEDIATRIC CARDIAC CATHETERIZATION PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for July 2013, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 18, 2011.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at: 2727 Mahan Drive,

Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**NOTICE OF PEDIATRIC OPEN HEART SURGERY FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for pediatric open heart surgery programs for July 2013, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 18, 2011.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive,

Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Pediatric Open Heart Surgery Program Net Need**

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-.602, Florida Statutes (F.S.) and 408.031-.045, F.S. Fixed need pool projections are for hospice programs planned for July 2012, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 18, 2011.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Hospice Program Net Need**

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	0	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	0	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	0	District 11	0
Subdistrict 6B	0	Total	0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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/](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 March 17, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Adam Joel Reimer, L.P.N. License #PN 5170043. 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 March 17, 2011, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Giles C. McKenzie, C.N.A., License #CNA 172158. 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.

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**HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

Grant Application Cycle

The Hardee County Economic Development Authority will accept grant applications for projects that provide economic development or infrastructure within the geographic boundaries of Hardee County. The Authority shall rank applications to the extent of estimated available program funds based on criteria relating to administrative capacity, public benefit, economic benefits, and public use.

Applications and Program Guidelines are available at: Hardee County Board of County Commissioners Office, 412 W. Orange Street, Room 103, Wauchula, FL 33873; Phone: (863)773-9430; Fax: (863)773-0958; e-mail: bcc@hardeecounty.net.

Applications will be accepted from May 2, 2011 through June 3, 2011, 8:00 a.m. to 5:00 p.m.

Please Note: Site of benefiting business for consideration of these funds must be located entirely within Hardee County. For more information, please call (863)773-9430.

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Grant Application Cycle

Las Autoridades de Desarrollo Económico del Condado de Hardee aceptarán solicitudes para grandes proyectos que provean desarrollo económico y de infraestructura dentro de las fronteras geográficas del Condado de Hardee. Las autoridades situarán solicitudes hasta el punto de estimar un programa de fondos disponibles basados en el criterio relacionado a la capacidad administrativa, beneficios públicos, económicos y de uso público. Las solicitudes y la Guía del Programa están disponibles en la Oficina de los Comisionados del Condado de Hardee, ubicada en el 412 W. Orange Street, Room 103, Wauchula, FL 33873; Teléfono: (863)773-9430; Fax: (863)773-0958; Correo electrónico: bcc@hardeecounty.net. Las solicitudes serán aceptadas desde el 02 ro Mayo hasta el 03 de Junio del 2011, de 8:00 a.m. a 5:00 p.m. Favor de Notar: El sitio de los negocios beneficiados por consideración de estos fondos debe ser localizado completamente dentro del Condado de Hardee. Para más información, por favor llame al (863)773-9430.

**ANUNCIO PÚBLICO DEL CONDADO DE HARDEE**

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