

submission). All proposals are due in the Board’s administrative office before Noon (ET) on Thursday, December 29, 2011.

A copy of the Request for Proposals may be obtained from the Board’s web site: [www.polkworks.org](http://www.polkworks.org) by clicking on <Contact Us> <Business Opps> then clicking on <Request for Proposals>, or by contact: Mark V. Thomas at (863)508-1100, ext. 1109 or at: [mark\\_thomas@polkworks.org](mailto:mark_thomas@polkworks.org).

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DEO Final Order No.: DEO-11-0019

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 011-2011

FINAL ORDER

The Department of Economic Opportunity (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (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 Monroe County is a local government within the Florida Keys Area.
2. On September 19, 2011, the Department received for review Monroe County Ordinance No. 011-2011 (“Ord. 011-2011”), adopted by Monroe County on August 17, 2011.
3. The purpose of Ord. 011-2011 is to amend Monroe County Code Section 102-20(I), Planning Commission, Meetings, Hearings and Procedure to modify the requirement of bi-monthly Planning Commission regular meetings and to modify the types of applications that may be heard at a Special Meeting.

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 The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern.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), Florida Statutes, and § 380.0552(9), Florida Statutes (2010).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2010) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). The regulations adopted by Ord. 011-2011 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 All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 011-2011 is consistent with and furthers the following Principles:
  - (a) To strengthen a local government’s capabilities for managing land use and development so that the local government is able to achieve these objectives without continuing the area of critical state concern designation.
  - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife and their habitat.
  - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
  - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
  - (f) To enhance natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
  - (j) To ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of Section 381.0065(4)(l) and 403.086(10), Florida Statutes, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
  - (n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

- 9. Ord. 011-2011 is consistent with the Principles for Guiding Development as a whole.
- 10. Ord. 011-2011 furthers Monroe County Comprehensive Plan Policies 5.0, 5.5, and 5.5.2.

WHEREFORE, IT IS ORDERED that Ord. 011-2011 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.

\_\_\_\_\_/s/\_\_\_\_\_  
 J. Thomas Beck, AICP  
 Director, Division of Community Planning  
 Department of Economic Opportunity  
 107 East Madison Street, MSC 110  
 Tallahassee, Florida 32399-4128

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING 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 4th day of November, 2011.

/s/ \_\_\_\_\_  
Miriam Snipes, Agency Clerk

By U.S. Mail:  
Honorable Heather Carruthers  
Mayor of Monroe County  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Christine Hurley  
Growth Management Director  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of O'Brien Imports of Ft. Myers, Inc., d/b/a MV-1 of Fort Myers, as a new point for The Vehicle Production Group, LLC line-make VHPG as a low-speed vehicle franchise dealership in Lee County by The

Vehicle Production Group, LLC, published in Vol. 37, No. 45, of the Florida Administrative Weekly on November 10, 2011, has been withdrawn.

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 El Sol Trading, Inc., intends to allow the establishment of USA Wholesale Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (line-make ZHNG) at 4316 North Dixie Highway, Oakland Park (Broward County), Florida 33334, on or after December 18, 2011.

The name and address of the dealer operator(s) and principal investor(s) of USA Wholesale Scooters, Inc., are dealer operator(s): Noel Farbman, 4316 North Dixie Highway, Oakland Park, Florida 33334; principal investor(s): Noel Farbman, 4316 North Dixie Highway, Oakland Park, Florida 33334.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

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.



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 (2010). 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 November 3, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Lourdes Eloi St. Cloud, L.P.N., License #LPN 1098721. 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 (2010).

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 November 3, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Nina Lee Tomlin, R.N., License #RN 1875632. 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 (2010). 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.

---