

The Request for Qualifications document can be downloaded from: <http://www.jaxport.com/about-jaxport/corporate-information/projects-for-bid>.

If you should have any questions regarding this application package, please submit them by e-mail only to: LeNedda Edwards, Contract Specialist at: LeNedda.Edwards@Jaxport.com

Jacksonville Port Authority
 PCOB Building
 First Floor
 2831 Talleyrand Avenue
 Jacksonville, Florida 32206

Section XII Miscellaneous

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Citrus Research Development Foundation

On July 2, 2012, the Citrus Research Development Foundation recommended to the Department of Agriculture and Consumer Services an assessment rate of three cents (3¢) per each standard packed box of citrus fruit for the season August 1, 2012 through July 31, 2013.

In accordance with the Citrus Research Order and Section 573.118, Florida Statutes, the Department of Agriculture and Consumer Services has set the assessment rate at three cents (3¢) per each standard packed box of citrus fruit for the season August 1, 2012 through July 31, 2013.

DEPARTMENT OF EDUCATION

University of Florida's Small Business Mentoring Initiative

The University of Florida Small Business Mentoring Initiative Steering Committee announces a call for applications from potential mentors and potential protégés for participation in the University of Florida's Small Business Mentoring Initiative. The Steering committee will review submitted applications meeting the criteria for submission in order to make a decision regarding firms that will be selected to participate in this year's (FY 2012-2013) initiative. The mentoring initiative has been expanded to include the selection of non-construction related mentor/protégé pairings (e.g. commodities to commodities or commodities to services pairing) and selection of one or more pairs of Consultant Firms (e.g. Architectural and/or Engineering firms) for participation in this initiative. Firms wishing to be considered for participation in the University of Florida's Small Business Mentoring Initiative should complete an application and submit it by mail, e-mail or fax, no later than August 27, 2012, to the following:

University of Florida
 Small Business & Vendor Diversity Relations
 109 Elmore Hall, P. O. Box 115250
 Gainesville, FL 32611-5250
 e-mail: dmannin@ufl.edu
 Fax: (352)846-2637

This initiative is designed to promote small business development, enhance business knowledge and experience, foster increased business capacity, and provide small businesses access to opportunities at the University of Florida.

An event to kick off this phase of the 2012-2013, Mentoring Initiative will take place at 3:00 p.m., Thursday, August 2, 2012, at the Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607. Firms planning to attend this event should RSVP to: Ms. Darlean Manning, Small Business & Vendor Diversity Relations Division, phone: (352)392-0380 or e-mail, dmannin@ufl.edu.

Additional information regarding the Mentoring Initiative, including application and criteria for submission, may be obtained by accessing: Small Business & Vendor Diversity Division's website: www.sbvdr.admin.ufl.edu or by contacting: Small Business & Vendor Diversity Relations Division, (352)392-0380, SBVDR@admin.ufl.edu.

UF is a 100% tobacco-free campus!

The University of Florida is proud to be a 100% tobacco-free campus. The use of cigarettes or other tobacco products on the UF campuses, including parking lots and vehicles, is prohibited and in violation of UF policy Rule 6C1-2.022, F.A.C.

The policy applies to every person who visits University of Florida campuses, including fans, faculty, staff, volunteers, students, contractors, and service representatives.

Thank you for supporting the University of Florida's tobacco-free campus initiative and practicing healthy behavior.

Director, Facilities Planning – Req #1622
 Advertised Salary Range: \$80,000 to \$90,000
 Job Close Date: 7-26-2012

Minimum Qualifications: Bachelor's degree from an accredited institution in Architecture and eight (8) years of experience in the design and construction of major buildings over \$2 million; or Master's degree from an accredited institution in Architecture and six (6) years of experience in the design and construction of major buildings over \$2 million. Must have a current State of Florida Architect license.

Preferred Qualifications: Bachelor's degree from an accredited institution in Architecture and eight (8) years of experience in the design and construction of major buildings over \$2 million, 4 years of which has been working on projects for higher education; or Master's degree from an accredited institution in

Architecture and six (6) years of experience in the design and construction of major buildings over \$2 million, 4 years of which has been working on projects for higher education.

General Summary Statement: This position’s initial duties will include planning, programming, designing, and supervising matters pertaining to the University’s architectural and engineering projects, master planning, space planning and utilization, project management, and capital planning functions; as well as other duties as outlined in your official Position Description.

Special Instructions to Applicants: Please upload and attach current State of Florida Architecture license under Additional Materials 1.

To Apply: jobs.fgcu.edu/applicants/Central?quickFind=53286 Applications are only accepted online.

FGCU is an EEO, which has a commitment to cultural, racial, & ethnic communities & encourages women & minorities to apply.

It is expected that successful candidates share this commitment.

DEPARTMENT OF COMMUNITY AFFAIRS

In re: EMERGENCY
AUTHORIZATION FOR
SUSPENSION OF
PROCUREMENT STATUTES,
RULES AND ORDERS,
MADE NECESSARY BY
TROPICAL STORM DEBBY DEM NO.: 12-0002
EMERGENCY ORDER

I hereby find that the Division of Emergency Management’s timely performance of disaster response functions related to Tropical Storm Debby are hindered by the application of procurement procedures imposed by statute, rule, or order.

Therefore, pursuant to the authority granted by Section 4 of Executive Order No.: 12-140, I hereby suspend, to the extent necessary to ensure said emergency response functions, the effect of any statute, rule, or order, to the extent needed to procure and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders which affect budgeting, leasing, printing, purchasing, travel, the conditions of employment and the compensation of employees.

The effective dates of this Order shall correspond to the effective dates of Executive Order 12-140, unless extended (in increments of no more than thirty days) by the Division.

Executed this 29th day of June, 2012, in Tallahassee, Leon County, Florida.

FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Bryan W. Koon, Director
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Filed on this date,
pursuant to Section 120.52,
Florida Statutes, with
the designated Division Clerk,
receipt of which is hereby
acknowledged.

Division Clerk
Date: _____

A copy of the Emergency Order may be obtained by contacting: Agency Clerk, Florida Division of Emergency Management, Capital Circle Office Complex, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

In re: EMERGENCY DEM NO. 12-0002
AUTHORIZATION FOR
SUSPENSION OF PROCUREMENT
STATUTES, RULES AND ORDERS,
MADE NECESSARY BY TROPICAL
STORM DEBBY.

AMENDED EMERGENCY ORDER

I hereby find that the Division of Emergency Management’s timely performance of disaster response functions related to Tropical Storm Debby are hindered by the application of procurement procedures imposed by statute, rule, or order.

Therefore, pursuant to the authority granted by Section 4 of Executive Order No 12-140, I hereby suspend, to the extent necessary to ensure said emergency response functions, the effect of any statute, rule, or order, to the extent needed to procure and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders which affect budgeting, leasing, printing, purchasing, travel, the conditions of employment and the compensation of employees.

The effective dates of this Order shall correspond to the effective dates of Executive Order 12-140.

Executed this 6th day of July, 2012, in Tallahassee, Leon County, Florida.

FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Bryan W. Koon, Director
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Filed on this date,
pursuant to Section 120.52,
Florida Statutes, with the
designated Division Clerk,
receipt of which is hereby
acknowledged.

Division Clerk
Date: 7/9/2012

A copy of the Emergency Order may be obtained by contacting the Agency Clerk, Florida Division of Emergency Management, Capital Circle Office Complex, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Sunny Powersports, Inc., intends to allow the establishment of Bruening Brothers, LLC, d/b/a Scooters of Bonita as a dealership for the sale of motorcycles manufactured by Ningbo Dongfang Lingyun Vehicle Made Co. Ltd. (line-make DONF) at 26880 Old 41 Road, Unit #6, Bonita Springs (Lee County), Florida 34135, on or after August 20, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Bruening Brothers, LLC, d/b/a Scooters of Bonita are dealer operator(s): Tim Bruening, 11619 Forest Mere Drive, Bonita Springs, Florida 34135; principal investor(s): Tim Bruening, 11619 Forest Mere Drive, Bonita Springs, Florida 34135.

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: Lei Lu, Sunny Powersports, Inc., 12851 Reservoir Street, Chino, California 91710.

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 Kandi USA, Inc., intends to allow the establishment of Grossman Acquisition, LLC, d/b/a Luxury Cars of Boca as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (line-make KANG) at 127 Northwest 13th Street, Boca Raton (Palm Beach County), Florida 33432, on or after August 20, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Grossman Acquisition, LLC, d/b/a Luxury Cars of Boca are dealer operator(s): Art Grossman, 127 Northwest 13th Street, Suite 4, Boca Raton, Florida 33432; principal investor(s): Art Grossman, 127 Northwest 13th Street, Suite 4, Boca Raton, Florida 33432.

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: Tim Pei, Kandi USA, Inc., 10955 Arrow Route, Suite 101, Rancho Cucamonga, California 91730.

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.

EXPRESSWAY AUTHORITIES

**SECOND NOTICE TO PROFESSIONAL APPRAISERS
(AS TO RESPONSE DATE ONLY)**

Winderweedle, Haines, Ward & Woodman, P.A. (WHWW) requires the services of professional appraisers to provide appraisal and review appraisal services in connection with the acquisition of right-of-way for the Orlando-Orange County Expressway Authority's Wekiva Parkway project and other systemwide miscellaneous appraisal services. Consideration for selection will be given to only those firms or individuals who are qualified pursuant to law and who have experience in preparing appraisals conforming to the Uniform Standards of Professional Appraisal Practice, as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Interested professionals are required to submit two (2) copies of a letter of interest indicating their desire to be considered. The letter must be brief (no more than 10 pages, including any attachments) and should indicate the key resources available. Interviews may be required as part of the evaluation process.

Following the evaluations, a minimum of six (6) firms and/or individuals will be selected and asked to submit fee proposals and will agree to a "not to exceed" lump sum contract on specific parcels. Assignments will be issued following evaluation of the proposals.

Significant factors to be considered in the evaluation and selection include but are not necessarily limited to: State certification, staff support, discipline expertise and experience, Orange County court qualifications, court testimony and deposition experience, including results.

The only information that will be considered responsive will be in relation to eminent domain actions. Other superfluous submittal information is discouraged.

WHWW encourages participation by Minority/Women/Disadvantaged Business Enterprises certified by the City of Orlando, Orange County, or other governmental agencies.

The deadline for submittal of the Letter of Interest is July 27, 2012, 12:00 Noon (Orlando local time).

All questions shall be directed to: Malinda Creager, email: mcreager@whww.com or (407)246-8691.

Letters of Interest shall be delivered to:

Winderweedle, Haines, Ward & Woodman, P.A.
329 Park Avenue North, 2nd Floor
Winter Park, Florida 32789
Attention: Malinda Creager

RE: Appraisal Services

AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF HOSPITAL FIXED NEED POOLS FOR
COMPREHENSIVE MEDICAL REHABILITATION BEDS**

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for January 2018 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 3, Room 1136 MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 6, 2012.

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 any 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, 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.

Comprehensive Medical Rehabilitation Bed Need

	Net
	Adjusted
	Bed Need
District 1	0
District 2	0
District 3	0
District 4	0
District 5	0

District 6	0
District 7	0
District 8	0
District 9	0
District 10	0
District 11	0
Total Statewide	0

District 3	0	5
District 4	0	0
District 5	20	0
District 6	0	0
District 7	10	0
District 8	1	0
District 9	0	0
District 10	0	11
District 11	0	0
Statewide Total	31	16

NOTICE OF FIXED NEED POOL FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for January 2015 pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, 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 3, Room 1136, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 6, 2012.

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 any 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, 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.

Fixed Need Pool Projections

Neonatal Intensive Care Level II & Level III Services

	Level II Net Need	Level III Net Need
District 1	0	0
District 2	0	0

NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for January 2018, pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 3, Room 1136, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 6, 2012.

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 any 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, 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.

Psychiatric and Substance Abuse Net Bed Need

	Adult Psychiatric Beds Net Adjusted Bed Need	Adolescent Psychiatric Beds Net Adjusted Bed Need	Children & Adult Substance Abuse Beds Net Adjusted Bed Need
District 1	0	0	0
District 2	0	0	0
District 3	6	0	0
District 4	0	0	6
District 5	0	0	0
District 6	0	18	0
District 7	28	0	14
District 8	0	0	6
District 9	0	0	0
District 10	0	3	0
District 11	0	0	0
Total Statewide	34	21	26

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: Duval District: 4
 ID # E120008 Decision: A Issue Date: 6/29/2012
 Facility/Project: Brooks Rehabilitation Hospital
 Applicant: Genesis Rehabilitation Hospital, Inc.
 Project Description: Add 15 comprehensive medical rehabilitation beds.
 Proposed Project Cost: \$375,000.00

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 Conditions of Certification (COCs) issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 et seq., Florida Statutes (F.S.), for the Riviera Beach Energy Center (RBEC) owned and operated by Florida Power & Light (FPL), Power Plant Siting Application No. PA09-54, OGC Case No. 12-0857. On February 28, 2012, the Department received a petition from FPL to modify the Conditions of Certification for the RBEC pursuant to Section 403.516(1)(c), F.S., for the

construction, operation and maintenance of a natural gas pipeline corridor, extending approximately 32 miles, beginning at milepost 0 near the FPL Martin Clean Energy Center, traversing Martin and Palm Beach Counties and ending at the western end of Riviera Beach lateral. The Department proposes to modify the COCs to include provisions for the new gas pipeline and administrative updates. A copy of the proposed modification may be obtained by contacting: Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., F.S., 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 proceeding 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, Department of Environmental Protection, 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 reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

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 Conditions of Certification (Conditions) issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 et seq., Florida Statutes ("F.S."), for the Tampa Electric Company (TECO) Polk Power Station (PPS), Power Plant Siting Application No.: PA92-32, OGC Case No.: 11-1376. On September 27, 2011, the Department received a petition from TECO to modify the Conditions for the PPS pursuant to Section 403.516(1)(c), F.S., to treat a slipstream of untreated syngas from Polk Unit 1 to remove sulfur, reduce trace contaminants, and convert removed sulfur compounds to elemental sulfur. Carbon in the form of carbon dioxide in the cleaned syngas will be temporarily captured. The petition also requests the use of reclaimed water provided from the Lakeland wastewater wetland treatment system (WTS) pumped through a 15-mile pipeline to the PPS site where it will be treated prior to being discharged to the cooling reservoir. Concentrated wastewater from the proposed reverse osmosis

treatment process will be disposed of by deep well injection. A copy of the proposed modification may be obtained by contacting: Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., F.S., 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 proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this notice to object in writing. The written objection must be filed (received) in the Office of General Counsel, Department of Environmental Protection, 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 can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

The Department of Environmental Protection has determined that the proposed City of Keystone Heights wastewater collection and treatment facilities expansion project will not have a significant adverse impact on the environment. The total estimated project cost is \$8,000,000. The project is expected to qualify for a state revolving fund loan and small community grant composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing: Bob Ballard, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling: (850)245-8358.

Notice of Receipt of Applications for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the City of Niceville. The application is being processed and is available for public inspection during

normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida.

Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road (MS #2500), Tallahassee, FL 32399-2400.

The Department of Environmental Protection gives notice of its intent to grant a Variance (0222332-002-EV) to the U.S. Army Corps of Engineers under Section 403.201, Florida Statutes (F.S.), from the provisions of subsection 62-312.080(7), sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1) and 62-312.080(3), F.A.C., to allow fill within Class II waters (designated for Shellfish Harvesting) at the open-water disposal areas and to allow a turbidity level of 29 nephelometric turbidity units (NTUs) above background at the edge of the mixing zone for disposal areas (D/A) within Outstanding Florida Waters (except D/A 39.5, which is limited to 2 NTUs above background, and D/A 45, which is limited to 5 NTUs above background) and to allow a turbidity level of 22 NTUs above background at the edge of the mixing zone for dredge areas within Outstanding Florida Waters (except NM 254 to 259, which is allowed 29 NTUs above background). The variance is associated with Gulf Intracoastal Waterway Maintenance Dredging project (File No. 0222332-001-DF).

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

Mediation under Section 120.573, Florida Statutes, is not available.

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

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

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

In accordance with subsections 28-106.111(2) and paragraph 62-110.106(3)(a), (1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

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

In accordance with Rule 28-106.301, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A

statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

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

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://appprod.dep.state.fl.us/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 July 3, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Susan Jean Brandt, M.D., License #ME 87372. 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 (2011). 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 July 3, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Jennifer Robin Chait, R.N., License #RN 2565982. 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 (2011). 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 July 10, 2012, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Jennifer Lee Sala, R.N., License #RN 9228620. This Emergency Restriction 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 (2011). 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 July 3, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Elmer N. Mattioli, RPH, License #PS 33921. 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.

Request for Public Comments on Florida's WIC Program

The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients’ needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to Cheryl Miller, Department of Health, WIC Program Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726 or by Fax: (850)922-3936. Your feedback is essential and is appreciated before July 31, 2012. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call: 1(866)632-9992 (Voice) or (202)260-1026 (Local). TTY users can contact USDA through local relay or the Federal Relay at 1(800)877-8339 (TTY) or 1(866)377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY THE CITY OF LAYTON, FLORIDA,
ORDINANCE NO.: 2012-04-02

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving a land development regulation adopted by the City of Layton, Ordinance No.: 2012-04-02 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City of Layton is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City on May 3, 2012, and rendered to the Department on June 29, 2012.
3. The Ordinance amends the definitions of “accessory use or structure” and “market value of the structure” in the City’s Land Development Code to implement the Reasonable and Prudent Alternatives referenced in the U.S. Fish and Wildlife Service’s Biological Opinion on the administration of the National Flood Insurance Program

dated April 30, 2010, as modified on December 14, 2010. The Ordinance is intended to ensure the City's continued participation in the National Flood Insurance program.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. 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. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.
7. The Ordinance is consistent with the Principles for Guiding Development as a whole and specifically furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
8. The Ordinance is consistent with Policy 3.a of the City of Layton Comprehensive Plan.

WHEREFORE, IT IS ORDERED that City of Layton Ordinance No. 2012-04-02 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 timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

_____/s/_____
 J. Thomas Beck, AICP
 Director, Division of Community Development
 Department of Economic Opportunity

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, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND 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, 107 EAST MADISON STREET, MSC #110, TALLAHASSEE, FLORIDA 32399-4128.

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 9th day of July, 2012.

— /s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC #110
Tallahassee, FL 32399-4128

By U.S. Mail:
Norman S. Anderson, Mayor
City of Layton
P. O. Box 778
Long Key, FL 33001

Mimi Young, City Clerk
City of Layton
P. O. Box 778
Long Key, FL 33001

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO, Tallahassee, FL

Sherry A. Spiers, Assistant General Counsel, DEO, Tallahassee, FL

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY THE CITY OF LAYTON, FLORIDA,
ORDINANCE NO.: 2012-04-03

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving a land development regulation adopted by the City of Layton, Ordinance No.” 2012-04-03 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City of Layton is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City on May 3, 2012, and rendered to the Department on June 29, 2012.
3. The Ordinance amends Article III, Chapter 6, of the City’s Land Development Code regarding floodplain management standards to implement the Reasonable and Prudent Alternatives referenced in the U.S. Fish and Wildlife Service’s Biological Opinion on the administration of the National Flood Insurance Program dated April 30, 2010, as modified on December 14, 2010. The Ordinance is intended to ensure the City’s continued participation in the National Flood Insurance program.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. 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. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole and specifically furthers the following Principles:

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

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

8. The Ordinance is consistent with Policy 3.a of the City of Layton Comprehensive Plan.

WHEREFORE, IT IS ORDERED that City of Layton Ordinance No.: 2012-04-03 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
J. Thomas Beck, AICP

Director, Division of Community Development
Department of Economic Opportunity

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

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

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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 9th day of July, 2012.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
Norman S. Anderson, Mayor
City of Layton
P. O. Box 778
Long Key, FL 33001

Mimi Young, City Clerk
City of Layton
P. O. Box 778
Long Key, FL 33001

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO, Tallahassee, FL
Sherry A. Spiers, Assistant General Counsel, DEO, Tallahassee, FL

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY THE CITY OF LAYTON, FLORIDA,
ORDINANCE NO.: 2011-09-01

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving a land development regulation adopted by the City of Layton, Ordinance No.: 2011-09-01 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City of Layton is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City on January 5, 2012, and rendered to the Department on June 29, 2012.
3. The Ordinance amends Code Sections 114-1 through 114-12, 114-43 through 114-48, and 114-70 through 114-72 to provide definitions, establish a floodplain management procedure, identify areas of special flood hazard, identify species focus area maps, identify real estate numbers

affected, establish the duties of the flood plain administrator, and provide for coordination with the Federal Emergency Management Agency to utilize species focus area maps.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. 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. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.
7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
8. The Ordinance is consistent with Policy 3.a of the City of Layton Comprehensive Plan.

WHEREFORE, IT IS ORDERED that City of Layton Ordinance No.: 2011-09-01 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 timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
J. Thomas Beck, AICP
Director, Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

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A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 107 EAST MADISON STREET, MSC #110, TALLAHASSEE, FLORIDA 32399-4128.

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 9th day of July, 2012.

_____/s/_____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC #110
Tallahassee, FL 32399-4128

By U.S. Mail:
Norman S. Anderson, Mayor
City of Layton
P. O. Box 778
Long Key, FL 33001
Mimi Young, City Clerk
City of Layton
P. O. Box 778
Long Key, FL 33001

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO, Tallahassee, FL
Sherry A. Spiers, Assistant General Counsel, DEO, Tallahassee, FL

In re: LAND DEVELOPMENT REGULATIONS
ADOPTED BY THE CITY OF KEY WEST,
FLORIDA, ORDINANCE NO.: 12-07

FINAL ORDER

The Department of Economic Opportunity (the “Department”) hereby issues its Final Order pursuant to Sections 380.05(6) and (11), Florida Statutes (2011), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern by Ordinance No.: 12-07 (the “Ordinance”).

FINDINGS OF FACT

1. Pursuant to Chapter 28-36, Florida Administrative Code, the City of Key West is a designated area of critical state concern.
2. The Ordinance was adopted by the City of Key West on May 1, 2012, and was rendered to the Department on June 5, 2012.
3. Section 90-142 of the City Code incorporates by reference the design guidelines adopted by the Historic Architectural Review Commission. Amendments to the design guidelines must be adopted by the City pursuant to the procedural requirements for amending the City’s land development regulations.
4. The Ordinance adopts amendments to Chapter VI, Design Guidelines in the Key West Historic District, Articles [c] and [f], establishing design guidelines for solar energy collectors and other energy production devices.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. Sections 380.05(6) and (11), Florida Statutes (2011).
6. The City of Key West is an Area of Critical State Concern. Section 380.05, Florida Statutes (2011), and Rule 28-36.001, Florida Administrative Code. The Principles for Guiding Development for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Florida Administrative Code.
7. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2011). The design guidelines adopted by Key West Ordinance No. 12-07 are land development regulations.
8. Ordinance No.: 12-07 is consistent with the Principles for Guiding Development, Rule 28-36.003, Florida Administrative Code, as a whole and is consistent with the following specific Principles:

(a) Strengthen local government capabilities for managing land use and development.

(e) Protection of the historical heritage of Key West and the Key West Historical Preservation District.

WHEREFORE, IT IS ORDERED that Key West Ordinance No. 12-07 is found to be consistent with the Principles for Guiding Development for the City of Key West 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 in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

J. Thomas Beck, AICP

Director, Division of Community Development
Department of Economic Opportunity

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, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND 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, 107 EAST MADISON STREET, MSC #110, TALLAHASSEE, FLORIDA 32399-4128.

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 9th day of July, 2012.

_____/s/_____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
The Honorable Craig Cates
Mayor, City of Key West
P. O. Box 1409
Key West, FL 33041

Ms. Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, FL 33041

Donald L. Craig, AICP
Planning Director
City of Key West
P. O. Box 1409
Key West, FL 33041

Larry Erskine
Assistant City Attorney
P. O. Box 1409
Key West, FL 33041

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO, Tallahassee, FL
Sherry A. Spiers, Assistant General Counsel, DEO,
Tallahassee, FL

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY, FLORIDA,
ORDINANCE NO.: 015-2012

FINAL ORDER

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving land development regulations adopted by Monroe County, Florida, Ordinance No.: 015-2012 (the "Ordinance").

FINDINGS OF FACT

- 1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Monroe County on June 20, 2012, and rendered to the Department on June 25, 2012.
3. The Ordinance amends floodplain regulations in Sections 122-2 and 122-3 of the Monroe County Code and creates a new Code Section 122-8 providing for including the U.S. Federal Emergency Management Agency and the U.S. Fish and Wildlife Service requirements in the permit referral process implementation and determinations. The regulations are intended to ensure Monroe County's participation in the federal flood insurance program.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. 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. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.
7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
8. The Ordinance is consistent with Policies 101.8, 103.2.13, 104.3.1, 202.3.1, 217.1.4, and 217.1.5 of the Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No.: 015-2012 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 timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

_____/s/_____
 J. Thomas Beck, AICP

Director, Division of Community Development
 Department of Economic Opportunity

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CERTIFICATE OF FILING AND SERVICE

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_____/s/_____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
The Honorable David Rice
Mayor, Monroe County
500 Whitehead Street
Key West, FL 33040

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

Christine Hurley, Director
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, FL 33050

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO, Tallahassee, FL
Sherry A. Spiers, Assistant General Counsel, DEO,
Tallahassee, FL