

opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), September 18, 2012, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, September 25, 2012, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee Florida 32399-3000, (850)245-2242, Fax:

(850)245-2303, Lea.Crandall@dep.state.fl.us, during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

Section XII Miscellaneous

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 Subaru of America, Inc., intends to allow the establishment of Boyland Auto Center, LLC, d/b/a Subaru of South Orlando as a dealership for the sale of Subaru vehicles manufactured by Subaru (line-make SUBA) at 9951 South Orange Blossom Trail, Orlando (Orange County), Florida 32837, on or after September 24, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Boyland Auto Center, LLC, d/b/a Subaru of South Orlando are dealer operator(s): Dorian Boyland, 4301 Millenia Boulevard, Orlando, Florida 32839; principal investor(s): Dorian Boyland, 4301 Millenia Boulevard, Orlando, Florida 32839.

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: Ron May, Subaru of America, Inc., 7380 Sand Lake Road, Suite 500, Orlando, Florida 32819.

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 Acquisitions, LLC, d/b/a Luxury Cars of Boca as a dealership for the sale of low-speed vehicles manufactured by Zhejiang Kandi LSV WMI-LA9 (line-make KANG) at 127 Northwest 13th Street, Boca Raton (Palm Beach County), Florida 33432, on or after September 24, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Grossman Acquisitions, 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.

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 Pacific Rim International West, Inc., intends to allow the establishment of Imaginetour, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (line-make DAIX) at 7324 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after September 24, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Imaginetour, Inc., are dealer operator(s): Kaan Orer, 7324 East Colonial Drive, Orlando, Florida 32807 and Yigit Orer, 7324 East Colonial Drive, Orlando, Florida 32807; principal investor(s): Kaan Orer, 7324 East Colonial Drive, Orlando, Florida 32807 and Yigit Orer, 7324 East Colonial Drive, Orlando, Florida 32807.

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: Wendy Yu, Pacific Rim International West, Inc., 2181 East Francis Street, Ontario, California 91761.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Zero Motorcycles, Inc., intends to allow the establishment of Southeast Powersports Unlimited, LLC, d/b/a Red Hills Powersports as a dealership for the sale of motorcycles manufactured by Zero Motorcycles, Inc. (line-make ZERO) at 3256 Capital Circle Southwest, Tallahassee (Leon County), Florida 32310, on or after September 24, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Southeast Powersports Unlimited, LLC, d/b/a Red Hills Powersports are dealer operator(s): Cody Langston, 3256 Capital Circle Southwest, Tallahassee, Florida 32310, principal investor(s): Danny Langston, 3256 Capital Circle Southwest, Tallahassee, Florida 32310 and Paul Langston, 3256 Capital Circle Southwest, Tallahassee, Florida 32310.

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 U.S. Mail to: Karl Wharton, Zero Motorcycles, Inc., 170 Technology Circle, Scotts Valley, California 95066.

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.

REGIONAL PLANNING COUNCILS

Comprehensive Economic Development Strategy

The East Central Florida Comprehensive Economic Development Strategy (CEDS) is now available for public comment.

Please visit: www.ecfrpc.org for additional information or contact: Elizabeth Schmitt, elizabeth@ecfrpc.org. All public comments must be received by September 24, 2012.

DEPARTMENT OF ELDER AFFAIRS

NOTICE OF DECISION

The Area Agency on Aging of Central Florida, Inc., d/b/a Senior Resource Alliance, located at 988 Woodcock Rd., Ste. 200, Orlando, FL 32803, has decided, based on receipt of only one source of services from Brevard, Orange, Osceola and Seminole counties, to award the Older Americans Act Title IIIB, IIIC-1, IIIC-2 and IIIE programs to the following: Brevard County to Aging Matters in Brevard; Orange County to Seniors First, Inc. and Share the Care, Inc. and Informed

Families: Osceola County to Osceola County Council on Aging; Seminole County to Meals on Wheels, Etc. and Share the Care, Inc.

Any person who is adversely affected by the Senior Resource Alliance decision or intended decision shall file with the Senior Resource Alliance a notice of appeal in writing within 72 hours (excluding Saturdays, Sundays, and agency holidays) after receipt of the notice of the decision or intended decision.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

The Department of Environmental Protection has determined that the Town of Mangonia Park's proposed project to rehabilitate existing wastewater treatment facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$392,224. The project is expected to qualify for a State Revolving Fund grant and loan 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: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8358.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Pelican Landing Community Association, Inc., 0166092-002-BV to allow a temporary expanded mixing zone that extends 250 meters offshore and 1000 meters downcurrent from the point where water discharged from the dredge pipeline (at the beach placement site) reenters the Gulf of Mexico. The petition was filed October 22, 2009. The associated project consists of the construction of seven adjustable concrete king pile and panel groins (numbered G2 through G8, from south to north), and using approximately 75,000 cubic yards of beach compatible sand from the New Pass ebb shoal offshore borrow area and/or the Farabee Pit (upland source) to pre-fill the groins, nourish the beach, and restore the dunes. Since there are no practicable means known to further minimize the potential for elevated turbidity using the borrow material selected, and considering hydrodynamic processes in the nearshore area at the beach nourishment site, the Department intends to grant the proposed variance. The Department's file on this matter 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, 4708 Capital Circle N.W., Tallahassee, Florida 32303, Telephone: (850)488-7708.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, 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 of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine 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 subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

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 officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)4., 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.

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; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (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, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable

filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the 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://approd.dep.state.fl.us/clearinghouse/>. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF ROUTINE PROGRAM CHANGE APPROVAL

On August 9, 2012, the State received concurrence from the Federal Office of Ocean and Coastal Resource Management (OCRM) that the proposed changes to the approved Florida Coastal Management Program (FCMP), with certain exceptions as noted in the routine program change submission located at: <http://www.dep.state.fl.us/cmp/federal/fedcons.htm>, constitute routine changes as defined by 15 C.F.R. 923.84, implementing the Federal Coastal Zone Management Act (16 U.S.C. ss. 1451 et seq.). The proposed changes were noticed in the FAW on April 13, 2012.

These incorporated changes do not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization or coordination, public involvement, and national interest.

As of the date of this notice, these changes are incorporated into the FCMP and federal consistency applies to these statutory and rule changes. This notice has been sent to affected parties, including local governments, state agencies, and regional offices of relevant federal agencies as required by 15 C.F.R. 923.84(b)(4).

For more information on this Routine Program Change and the list of persons and organizations notified, please contact: Ms. Ann Lazar, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2168.

Recreational Trails Program Grant Application Submission Period

The Department of Environmental Protection has announced that grant applications for the Recreational Trails Program will be accepted October 17 through October 31, 2012. This is a competitive matching grant program which provides financial assistance to agencies of city, county, state or federal governments, state and federal recognized Indian tribal governments, and nonprofit organizations approved by the State for the development of recreational trails. Grant funds are allocated as follows: (i) \$800,000 for motorized recreational trails, (ii) \$482,209 for nonmotorized recreational

trails, and (iii) \$723,313 for mixed use recreational trails. Of these amounts, the Department currently has authorization to use approximately \$1,205,522 to fund projects with priority given to motorized projects. The maximum grant award for each motorized project is \$800,000. The maximum grant award for each nonmotorized and mixed use project is \$75,000.

Application packets may be obtained from the Office of Greenways and Trails, Department of Environmental Protection, Mail Station #795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)245-2052. Applications are also available at www.floridagreenwaysandtrails.com. Applications must be postmarked no later than October 31, 2012.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On August 10, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Lori Ann Kough, L.P.N, License #PN 1232761. 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 the Availability of the 2012 Trauma Center Letter of Intent

NAME OF AGENCY: Department of Health (DOH)

PACKAGE TITLE: Florida Trauma Center Letter of Intent

PURPOSE AND EFFECT: The Department of Health is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.

AUTHORITY: Section 395.4025(2)(a), Florida Statutes.

Rule 64J-2.012, Florida Administrative Code.

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, mail, or visit the Office of Trauma's website at: <http://doh.state.fl.us/demo/Trauma/index.html> "Letter of Intent 2012".

Telephone: (850)245-4444, ext. 2756 or Suncom: 205-4440

Fax: (850)488-2512

Mail request to: Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, Bin #C-18 Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2012 and midnight, October 1, 2012.

CONTACTS: Bernadette Behmke, (850)245-4444, ext. 2756 or Susan McDevitt, (850)245-4444, ext. 2760 or Suncom: 205-4440.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

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

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel's Office
Tallahassee, Florida		The Fletcher Building
32314-8050		Suite 526
Phone (850)410-9800		101 East Gaines Street
Fax: (850)410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 14, 2012):

APPLICATION TO MERGE

Constituent Institutions: Drummond Community Bank, Chiefland, Florida, and Perkins State Bank, Williston, Florida
Resulting Institution: Drummond Community Bank

DEPARTMENT OF ECONOMIC OPPORTUNITY

Final Order No. DEO-12-113

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY, FLORIDA
ORDINANCE NO. 016-2012

FINAL ORDER

**APPROVING MONROE COUNTY
ORDINANCE NO. 016-2012**

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2012), approving land development regulations adopted by Monroe County, Florida, Ordinance No.: 016-2012 (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 July 20, 2012, and rendered to the Department on July 7, 2012.
3. The Ordinance amends Section 130-121 of the Monroe County Code to rename the Air installation compatible use zones overlay (AICUZ) land use district to the Military Airports land use district, remove regulations related to the Navy's 1977 Air Installation Compatible Use Zones, consistent with the County's recent comprehensive plan update on military airports.

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 Principle:
 - (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 4. Key West Naval Air Station and other military facilities.
 8. The Ordinance is consistent with Goal 108 and Policies 108.2.1 through 108.2.5 of the Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No.: 016-2012 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.

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

Final Order No. DEO-12-110
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ORDINANCE NO.: 12-05

FINAL ORDER

APPROVING ISLAMORADA ORDINANCE NO.: 12-05

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2012), approving land development regulations adopted by Islamorada, Village of Islands, Florida, Ordinance No.: 12-05 (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. Islamorada, Village of Islands, is a local government within the Florida Keys Area.
2. The Ordinance was adopted by Islamorada, Village of Islands, on June 28, 2012, and rendered to the Department on July 31, 2012.
3. The Ordinance amends Section 30-852(c) of the Village Code to require all nonresidential development projects to provide one bicycle rack and reducing the parking space credit from 10 percent of the overall required parking to 5 percent of the overall required parking.

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.
(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
5. Transportation facilities.
(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
8. The Ordinance is consistent with Objective 2-1.3 and Policy 2-1.3.6 of the Islamorada, Village of Islands, Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Islamorada, Village of Islands, Ordinance No.: 12-05 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:

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE 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 on the attached Service List by the method indicated this 15th day of August, 2012.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: (850)717-8531

SERVICE LIST

By U.S. Mail:
Honorable Michael Reckwerdt
Mayor, Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Edward Koconis, Director
Planning and Development Services
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Debra E. Eastman, MMC
Village Clerk
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

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

Final Order No. DEO-12-111

In re: CITY OF AUBURNDALE, FLORIDA, LAND DEVELOPMENT REGULATIONS

FINAL ORDER

APPROVING REGULATIONS IN PART AND DISAPPROVING IN PART

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes (2012), approving in part and disapproving in part land development regulations adopted by the City of Auburndale, Florida.

FINDINGS OF FACT

1. Through municipal annexations, the City of Auburndale now includes certain land included within the Green Swamp Area of Critical State Concern under Section 380.0551, Florida Statutes (2012), and is now a local government within an area of critical state concern.
 2. 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) and (11), Florida Statutes (2012).
 3. The City of Auburndale rendered all of its land development regulations to the Department for review on June 14, 2012.
- Regulations Consistent With Principles for Guiding Development
4. The following Auburndale land development regulations are consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and with Objective 4 and Policy 4.1 of the City of Auburndale Comprehensive Plan:
 - a. All of Chapters 1-4, 7-13, 15-21, and 23-24 (there is no Chapter 22).
 - b. Chapter 5 except for those regulations identified in paragraph 5 below.
 - c. Chapter 6 except for Section 6.1.1 described in paragraph 5 below.
 - d. Chapter 14 except for those regulations identified in paragraph 5 below.

Regulations Not Consistent With Principles for Guiding Development

5. The following Auburndale land development regulations are NOT consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern because they are not consistent with the City of Auburndale Comprehensive Plan in effect on the date of this Final Order:

Regulation: Reason the Regulation is not Consistent with the Principles for Guiding Development – Inconsistency with City Comprehensive Plan and Identified Principles for Guiding Development, if any

CHAPTER 5

Sec. 5.6.1.7

Not consistent with setbacks required by Policy 11.16(b) governing development within wetlands, lakes and floodplains

Sec. 5.6.2.2.2

Allows uses (public and private educational facilities) inconsistent with Policy 11.6, Agricultural Residential land use classification in the Auburndale Green Swamp Protection Area (AGSPA)

Sec. 5.6.2.4

Allows uses (golf courses, country clubs, and new cemeteries) not consistent with Policy 11.6, Agricultural Residential in the AGSPA

Sec. 5.6.3.4

Allows uses (golf courses and country clubs) not consistent with Policy 11.6

Sec. 5.6.5.4

Allows special exception uses that are not consistent with Policy 11.6

Sec. 5.6.6.2.3

Allows uses (public and private educational facilities) that are not consistent with uses allowed under Policy 11.6

Sec. 5.6.6.4.1

Allows uses (gold course and country club) not consistent with Policy 11.6

Sec. 5.6.6.4.2

Allows a use (new cemeteries) not consistent with Policy 11.6

Sec. 5.6.6.4.4

Allows a use (funeral homes) not consistent with Policy 11.6

Sec. 5.6.7.2.3

Allows uses (public and private educational facilities) to consistent with Policy 11.6

Sec. 5.6.7.4

Allows special exception uses (golf course, country club, new cemeteries, columbariums, funeral homes, certain commercial and professional facilities, supervised living facilities, and bed and breakfast inns) not consistent with Policy 11.6

Sec. 5.6.8.2.1

Allows uses (public and private educational facilities) not consistent with Policy 11.6

Sec. 5.6.8.2.9

Allows uses (hospitals, etc.) not consistent with Policy 11.6

Sec. 5.6.8.2.10

Allows uses (medical and dental clinics) not consistent with Policy 11.6

Sec. 5.6.8.2.15

Allows a use (funeral homes) not consistent with Policy 11.6

Sec. 5.6.8.3.6

Provides a use (funeral homes) that is not allowed under Policies 11.6 – 11.10, 11.12 and 11.13

Sec. 5.6.8.11.2

Allows uses (elementary and high schools) not consistent with Policies 11.9, 11.10, 11.12 and 11.13

Sec. 5.6.8.11.9

Allows uses (funeral homes, private clubs) not consistent with Policy 11.6

Sec. 5.6.8.11.11

Allows a use (hospitals) not consistent with Policy 11.6

Sec. 5.6.10.2.9

Allows a use (funeral homes) not consistent with Policy 11.6

Sec. 5.6.10.2.10

Allows a use (vocational schools) not consistent with Policy 11.6

Sec. 5.6.11.2.4

Allows dyeing establishments in the General Commercial land use district - not consistent with uses allowed under Policy 11.6

Sec. 5.6.11.2.9

Allows a use (funeral homes) not consistent with Policy 11.6

Sec. 5.6.12.2.8

Allows a use (truck stops) not consistent with Policy 11.6

Sec. 5.6.13

Allows uses in the Central Business District that are not consistent with Policy 11.6

Sec. 5.6.14

Allows uses in the Light Industrial District that are not consistent with Policy 11.6

Sec. 5.6.15

Allows uses in the Heavy Industrial district that are not consistent with Policy 11.6

CHAPTER 6

Sec. 6.1.1

Allows increases in land use intensity not consistent with Policies 11.6, 11.9, 11.10, 11.12 and 11.13

CHAPTER 14

Sec. 14.1.6.3 and 14.1.6.7

Allows development of private camps in a 100 year flood plain, which is not consistent with Policies 11.16 and 11.4

Sec. 14.1.9.1

Allows a use (commercial fishing camps) that is not consistent with Policies 11.4 and 11.16

Sec. 14.1.9.3

Allows uses (commercial campground or recreational area) not consistent with Policies 11.4 and 11.16

Sec. 14.1.9.5

Allows a use (private camps sponsored by nonprofit organizations) not consistent with Policies 11.4 and 11.16

Sec. 14.1.9.7

Allows uses (major grading, filling, excavating and dredging) not consistent with Policies 11.4 and 11.16

Sec. 14.1.10

Standards for Special Exceptions (flood and erosion control works, structures in navigable waters, grading, filling, excavating and dredging) - not consistent with Policies 11.4 and 11.16; not consistent with Principles for Guiding Development 2, 10 and 11

Sec. 14.1.12

Unrestricted maximum lot coverage by all structures - not consistent with Policies 11.8, 11.11, and 11.14

CONCLUSIONS OF LAW

6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations submitted to the Department by the City on June 14, 2012, are land development regulations.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-27.002, Florida Administrative Code.

WHEREFORE, IT IS ORDERED that the land development regulations identified in paragraph 4 above are consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and are hereby APPROVED.

IT IS FURTHER ORDERED that the land development regulations identified in paragraph 5 above are not consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern, are NOT APPROVED, and are not effective on land areas within the City that are part of the Green Swamp Area of Critical State Concern.

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

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 14th day of August, 2012.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: (850)717-8531

By U.S. Mail:
Honorable Jack Myers
Mayor, City of Auburndale
c/o City Manager's Office
P. O. Box 186
Auburndale, FL 33823

Amy Palmer, AICP
Community Development Director
City of Auburndale
P. O. Box 186
Auburndale, FL 33823

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