



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

October 25, 2010

The Honorable Don Bates, Chairman
Highlands County Board of County Commissioners
600 South Commerce Avenue
Sebring, Florida 33870

Dear Chairman Bates:

The Department has completed its review of Highlands County's adopted comprehensive plan amendment (DCA 10-D1) adopted by Ordinance No. 09-10-28, on September 7, 2010, and has determined that the amendment does not meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department's Notice of Intent and Statement of Intent are enclosed with this letter. The Notice of Intent was sent to the *Highlands Today* newspaper for publication on October 26, 2010.

In addition, the Notice of Intent and the Statement of Intent will be forwarded to the Division of Administrative Hearings of the Department of Management Services for the scheduling of an administrative hearing pursuant to Section 120.57, F.S. Please note that a copy of the Highlands County's adopted comprehensive plan amendment, the Department's Objections, Recommendations and Comments Report, dated May 27, 2010, the Notice of Intent and the Statement of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Highlands County Planning Department County Annex Building, 501 South Commerce Avenue, Sebring, Florida 33870.

After an administrative hearing petition is timely filed, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve the matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing. Please be advised that Section 163.3187(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within five days after receipt of the mailed copy of the agency's Notice of Intent.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

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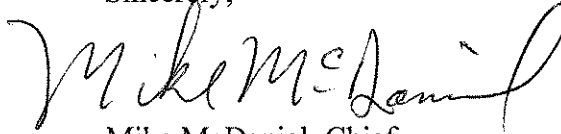
The Honorable Don Bates

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We are interested in meeting with you or your designee, at your convenience, for the purpose of negotiating an agreement that will bring your comprehensive plan into compliance. If you have any questions, please contact Brenda Winningham, Regional Planning Administrator, at (850) 922-1800 or Tom Tumminia, Planner, at (850) 922-1824.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, looping "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/tt

Enclosure: Notice of Intent

cc: Mr. Mark Hill, Highlands County Planning Department
Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

IN RE: HIGHLANDS COUNTY
COMPREHENSIVE PLAN AMENDMENTS
ADOPTED BY ORDINANCE NO. 09-10-28
ON SEPTEMBER 7, 2010

Docket No. 10-D1-2801-(A)-(N)

**STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE**

The Florida Department of Community Affairs hereby issues its Statement of Intent to find the Comprehensive Plan Amendments of Highlands County, adopted by Ordinance No. 09-10-28, on September 7, 2010, Not In Compliance based upon the Objections, Recommendations and Comments Reports (ORC Report) issued by the Department on May 27, 2010, which is hereby incorporated by reference, and changes made to the amendment at the time of adoption. The amendment redesignates 2,182 acres from Agriculture to Mixed Use and establishes a site specific Future Land Use Element (FLUE) Policy 15.2.87 which provides guidelines for development on the site and limits the amount of development to 3,639 residential units, 1,020,000 square feet of non-residential and 150 hotel rooms.

The Department finds the plan amendment not "in compliance," because it is not consistent with Chapter 163, Part II, Florida Statutes (F.S.), the State Comprehensive Plan (Chapter 187, F.S.) and Rule 9J-5, Florida Administrative Code (F.A.C.), for the following reasons:

I. CONSISTENCY WITH CHAPTER 163, F.S. AND RULE 9J-5, F.A.C.

A. Inconsistent Provisions for the Lake Placid Groves DRI Future Land Use Map (FLUM) Amendment and site-specific FLUE Policy 15.2.87: The inconsistent provisions of the plan amendments identified in this heading follow

1. Need: The amendment would allow development of 3,639 residential units and 1,020,000 square feet of non-residential development. The County has not demonstrated a need to redesignate additional acreage on the FLUM to accommodate the projected growth during the planning period. The amendment is not supported by an adequate land use needs analysis based on a professionally acceptable methodology demonstrating a need for the additional residential units and non-residential development. The needs analysis reduces the number of potential residential units available based on a number of adjustment factors. This includes a deduction of 39,694 platted lots from 8 so-called mega-lot subdivisions. However, the analysis does not adequately demonstrate that this deduction is appropriate. The amendment includes a policy limiting development in the subdivisions in the 2030 planning timeframe to 6,000 units.

However, these subdivisions are either located wholly or partially in the 2010 and 2030 Urban Growth Areas (UGA). The plan policies indicate that the County intends to direct future growth to the UGAs and that the 2030 UGA is expected to provide for 87 percent of the County's anticipated growth in 2030. It is contradictory to place these subdivisions within the UGA, and then to limit the number of lots within them that can be developed. In addition, the 6,000 unit cap for the 8 so-called mega-lot subdivisions is not meaningful and predictable since it is not limited by subdivision, would also be difficult to implement and would not discourage urban sprawl. Further, there are inconsistencies between the tables calculating available platted lots.

Thus, it is not clear that the various adjustments have been applied consistently. In addition, it is unclear whether the residential development allowed under the mixed use land use category was included in supply calculation.

Even if the reductions were supported and appropriate, the analysis does not demonstrate a need for the additional potential densities and intensities. The analysis indicates there is a demand for 12,095 units based on the population projections for the planning timeframe of 2030. The analysis indicates that with the reductions applied there is an available capacity of 21,705 units, resulting in a multiplier of 1.79 times the amount needed to accommodate the projected increase in population for the planning period. This amendment would allow a development of 3,639 residential units resulting in an available capacity of 25,398 units, for a multiplier of 2.10. In addition, on the same date as this amendment package, the County adopted several FLUM amendments and established several Overlays to provide for additional potential development. With both amendments, the FLUM amendments would allow the following potential residential development: 1) Lake Placid North, 4,665 units; Lake Placid South, 4,278 units; and Lake Placid Groves, 3,639 units; for a total of 12,582 residential units. With this potential development, the multiplier would be 2.83. Phase I of the Blue Head Ranch SCO would allow an additional 12,000 units to be constructed by 2030. With this additional 12,000 units, the multiplier becomes 3.83. Also, the Blue Head Ranch SCO would allow an additional 18,000 units for a total of 30,000 residential units, resulting in a capacity of 64,287 residential units, for a multiplier of 5.32.

In addition, the amendment establishes a 2010 and 2030 UGA that the plan indicates is to accommodate 87 percent of the anticipated residential development in the 2030 planning timeframe, and that development will be encouraged to develop at 4 units per acre in this area. Based on the analysis provided in support of the 2030 UGA, the UGA includes 20,756

developable residential acres. If these areas were to develop at 4 units per acre, this would result in a potential 83,026. It cannot be determined how much of this potential residential was part of the available supply in the needs analysis, but on its own, the residential areas in the 2030 UGA, if developed at 4 units per acre, would provide a multiplier of 6.86. There are also an additional 19,743 acres of land designated Agriculture in the 2030 UGA which if allowed in the 2030 planning timeframe to convert to development at 4 units per acre would increase the multiplier significantly.

Therefore, the amendment is inconsistent with Sections 163.3177(2), 163.3177(6)(a), 163.3177(8), and (10)(a)F.S.; Rules 9J-5.005(2)(a) and (e), 9J-5.006(2)(c), F.A.C.

2. Urban Sprawl and Energy Efficient Land Use: The Lake Placid Groves FLUM amendment meets the following indicators of urban sprawl, pursuant to Rule 9J-5.006(5)(g), F.A.C.:

- Promotes or allows for substantial areas to develop as low-intensity, low-density, or single use development or uses in excess of demonstrated need. As a result of premature conversion of rural land to urban uses, fails to adequately protect and conserve natural resources.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response and general government.
- Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.
- Fails to provide a clear separation between rural and urban uses.

- Fails to maximize use of existing and future public facilities.
- Results in the loss of significant amount of functional open space.

Furthermore, the amendment does not demonstrate that it has addressed the requirements of Ch. 2008-191, Section 2, Laws of Florida, including energy conservation, energy efficient land use patterns, and transportation strategies to reduce greenhouse gases, pursuant to Sections 163.3177(6)(a), (b), (d), (f), and (j), F.S., because the development controls are not specific or sufficient to prevent an inefficient sprawling pattern of development.

Therefore, the amendments are inconsistent with Sections 163.3177(2), 163.3177(6)(a), (b), (c), (d), (f), and (j), 163.3177(8), and 163.3177(10)(a), 163.3187(2), F.S.; and Rules 9J-5.005(2)(a), 9J-5.005(5)(a) and (6), 9J-5.006(2)(a), (b) and (c), 9J-5.006(3)(b)1, and 8, and 9J-5.006(5), and 9J-5.011(2)(b)3, F.A.C.

3. Transportation: The amendment does not demonstrate that the adopted level of service (LOS) standards can be achieved or maintained for the short or long-term planning timeframes, consistent with the requirements of Section 163.3177(6)(a), F.S., which requires that the future land use plan be based on the availability of public facilities and services. Section 163.3164(24), F.S., defines “public facilities” to include transportation facilities. The amendment is not supported by an adequate traffic analysis. The Florida Department of Transportation has indicated that the methodology of the traffic analysis is flawed because the data used in the analysis is not consistent with the 2009 Generalized Quality Level of Service Tables. Absent an adequate short-term and long-term transportation analysis it cannot be determined if the improvements needed to achieve and maintain the adopted level of service for the short-term planning timeframe have been included in the Five-year Schedule of Capital

Improvements, or if the improvements needed to support the long-term planning timeframe have been included in the list of Long-term needed improvements in the Capital Improvements Element and on the Future Transportation Map.

Therefore, the amendments are inconsistent with Sections 163.3177(3)(a), and 163.3177(6)(a), and 163.3177(6)(b), F.S., Rules 9J-5.005(2)(a) & (c), 9J-5.006(2)(a), 9J-5.006(3)(b)1, 9J-5.006(3)(c)3, 9J-5.016(4)(a), 9J-5.019(3)(h), (4)(b)2, F.A.C.

4. Water Supply: The amendment does not appropriately coordinate land use planning with water supply planning. The amendment is not supported by best available relevant and appropriate data and analysis demonstrating the availability of adequate water supplies to serve the amount of potential development allowed by the Lake Placid Groves DRI FLUM, including the identification of the water source and the water supply facilities that are needed to withdraw the water and to serve the demands of the amendment. This is inconsistent with the provisions of Section 163.3177(6)(a), F.S., which require the future land use plan to be based on the availability of water supplies. The amendments have not been coordinated with the Highland County Water Supply Plan. In addition, the Water Supply Plan anticipates a large portion of future water demands to be coming from water resulting from the transitioning of Agriculture to other uses. However, the South Florida and Southwest Florida Water Management Districts have both raised concerns that it is not clear that agriculture water demands will decrease substantially enough to accommodate the anticipated development amounts.

Therefore, the amendments are inconsistent with Sections 163.3167(13), 163.3177(2), (3), (4), (6)(a), (c), (d) and h, and (8), F.S.; and Rules; 9J-5.005(2) through (6); 9J-5.0055; 9J-5.006(2)(a), (3)(b)1., and (c)3; 9J-5.011(1)(f), (2)(b)1., 2., and (2)(c)1., and 2.; and 9J-5.013(1)(c), 9J-5.015(2) and (3), 9J-5.016(1), (2), (3)(b)1., 3., 4., and 5., and (c)1.f., 6., 7., and 8.; 9J-5.016(4)(a) and (b) F.A.C.

5. Water and Sewer: The amendment does not coordinate land use planning with the planning of water and sanitary sewer facilities and capital improvements to demonstrate that adequate water and sewer facilities exist or are planned to serve the amendment site, consistent with the requirements of Section 163.3177(6)(a), F.S., that requires that the future land use plan be based on the availability of public facilities and services. Section 163.3164(24), F.S., defines “public facilities” to include potable water and sewer facilities. The amendment was not supported by an analysis of the short-term (five-year) and long-term central wastewater capacity and demand. Site specific FLUE Policy 15.2.87.19, indicates that the development will connect to and be served by a centralized water treatment facility provided by Silver Lake Utility. However, an analysis was not provided of the available capacity of Silver Lake Utility and a letter or agreement indicating that the Utility is willing and has adequate capacity to serve the site has not been provided. In addition, the provider of central wastewater utilities is not identified. Site specific FLUE Policy 15.2.87.3 indicates that in Phase 1A, 50 multi-family dwelling units and 90 hotel rooms will be allowed to develop and FLUE Policy 15.2.87.12 indicates that Phase 1A can develop with on-site potable water facilities and on-site wastewater facilities. The use of septic tanks and self-supplied potable water wells is not appropriate for urban development within what is supposed to be the County’s urban growth area and is internally inconsistent with Policy 1.2 which states that the UGA is intended to “coordinate land uses densities and intensities with the availability of existing and planned capital infrastructure, including schools, to discourage urban sprawl.” Moreover, this development scenario is not consistent with Infrastructure Policy 6.5., which indicates that multi-family (regardless of parcel size) and subdivisions with lots of less than one (1) gross acre in size shall be required to provide or guarantee to provide a public central potable water system designed to support all phases of the development. Further, the amendment has not analyzed the anticipated capacity of the

facilities. No improvements are identified in the Five-year Schedule of Capital Improvements. Also, the water facility needs and improvements are not coordinated with the Highlands County Water Supply Plan.

Therefore, the amendments are inconsistent with Sections 163.3167(13); 163.3177(1) – (4), (8), and (10); 163.3177(2), (3), (6)(a), (c), (d), and (h), F.S., and Rules 9J-5.005(2),(5), and (6); 9J-5.0055; 9J-5.006(2)(a), (3)(b)1, (3)(c)3., and (4); 9J-5.011(1)(a) – (f), (2)(b)1., and 2., and (2)(c)1., and 2., 9J-5.013(1); 9J-5.015(2) and (3); and 9J-5.016(1) – (3), F.A.C.

6. Educational Facilities: The amendment does not demonstrate that there are adequate existing or planned education facilities available to meet the demands that would be generated at the maximum development potential of the amendment site. Section 163.3177(6)(a), F.S., requires that the future land use plan be based on the availability of public facilities and services. Section 163.3164(24), F.S., defines “public facilities” to include educational facilities. The school analysis for the Lake Placid Grove amendment is inadequate. It is not compared with the available supply for each of the school types. The analysis did not complete a cumulative analysis of the residential units allowed by the additional map amendments and policy amendments in the County’s EAR-based amendments (DCA 10-1ER) on school facilities. Further, no data and analysis was provided to demonstrate that the adopted level of service standard for the county’s schools will be met over the five-year short-term planning timeframe and the long-term planning timeframe. Thus, the amendments have not been demonstrated to be consistent with the Public School Facilities Element and the Capital Improvements Element.

Therefore, the amendment is inconsistent with Sections 163.3177(2), (3), (6)(a), (8), (10), & (12)(c), (f) & (g)9; and 163.3180(13)(d), F.S. and Rules 9J-5.006(2)(a); and 9J-5.025(2)(b), (2)(d), (3)(b)2, (3)(c)7, F.A.C.

II. Recommended Remedial Actions

A. Rescind the amendments. Alternatively, revise the amendments as necessary to be based on data and analysis as follows:

1. Need: Revise the amendment to be based on and consistent with a demonstrated residential and non-residential need to accommodate the projected Highland's County population for the planning timeframe using a professionally acceptable methodology. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

2. Urban Sprawl and Energy Efficient Land Use: Revise the amendment to discourage the proliferation of urban sprawl and to incorporate and to be consistent with the energy efficient land use pattern and greenhouse gas emission reduction strategies established the Highlands County Comprehensive Plan and the requirements of Section 163.3177(6)(a), F.S., and Rule 9J-5.006(5)(j), F.A.C. Revise the amendment as necessary to be supported by and consistent with the data and analysis.

3. Transportation: Revise the transportation analysis supporting the Lake Placid Groves DRI FLUM amendment to be consistent with the planning timeframe of 2030. In addition, revise the analysis to use the Florida Department of Transportation 2009 Generalized Quality Level of Service Tables. If the analysis indicates deficiencies in the short-term planning timeframe, the improvements to address the projected deficiencies should be identified and included in the Five-year Schedule of Capital Improvements and demonstrated to be financially feasible. The Future Transportation Map should be amended to depict any planned roadway facilities. If any roadway is projected to be deficient in the long-range planning timeframe, the County should maintain in the Capital Improvements Element a list of the improvements that are projected to be needed in the planning timeframe but beyond the five years covered by the adopted capital improvements schedule. This list need not include any cost estimates for the

improvements. In addition, the revise the Future Transportation Map to include any improvements identified as needed in the long-term planning timeframe. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

4. Water Supply. Support the amendment with best available relevant and appropriate data and analysis demonstrating the availability of an adequate water supply to meet the demands generated by the maximum development potential of the Lake Placid Groves DRI FLUM Amendment. The analysis should identify the water source, the amount of water supply that is anticipated to be available from each water source to meet the projected demand for water and demonstrate that the amounts are coordinated with the Southwest Florida or South Florida Water Management District Regional Water Supply Plans as appropriate, and the Highlands County Ten-year Water Supply Plan. Revise the amendment as necessary to be supported by and consistent with the data and analysis. Revise the Ten-year Water Supply Facilities Work Plan to reflect the water supply facility planning that is needed to support the amendment.

5. Water and Sewer Facilities: Revise the Amendments to demonstrate that water and wastewater facilities are planned or available to serve the amendment sites consistent with the timing of development provided in Policy 15.2.87. The analysis should be based on the demand generated by the maximum development potential of the amendment site. Identify the central sewer provided. If the amendment site is to be served by an existing water (Silver Lake Utility) or sewer facility, the analysis should address the capacity of the facilities and whether there is adequate capacity available to serve the sites. In addition, a letter should be provided by the facility demonstrating that they are willing to serve the development and have adequate capacity available or planned to serve the site. If improvements are needed to the facility in the short-term planning timeframe to provide adequate capacity to serve the development, the improvements should be included in the Five-year Schedule of Capital Improvements and

demonstrated to be financially feasible. If the improvements are needed to the facility in the long-range planning timeframe to provide adequate capacity to serve the development, the County should maintain in the Capital Improvements Element a list of the improvements that are projected to be needed in the planning timeframe but beyond the five years covered by the adopted capital improvements schedule. This list need not include cost estimates for the improvements. If the developer is to build and operate the facilities, this should be indicated in the site-specific policies, and the type and capacity of the facility identified. The facility construction should be timed to the development schedule provided in site specific Policy 15.2.87, In addition, revise FLUE Policy 15.2.87 to require that the Phase 1A development be served by central water and sewer facilities and provide the needed data and analysis regarding the water supply and facilities that will be needed for the Phase 1A development. Revise the amendment as necessary to be supported by and consistent with the data and analysis;

6. Education: Revise the amendment to include an analysis addressing (1) the impact of additional students on the level of service standards for the school concurrency service area for the short-term and long-term planning timeframes; (2) the identification of any school facility capacity improvements (scope, cost, and timing) that are needed to achieve and maintain the adopted level of service standards; and (3) if there are any identified deficiencies in the first five years and there are no planned school facilities to address the deficiencies, then the school facility improvements must be included in the Five-year Schedule of Capital Improvements. If there are identified deficiencies in the long-term planning timeframe, the comprehensive plan should include policies to address the deficiency and identify plans to deal with the deficiency.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

A. Inconsistent Provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. The adopted comprehensive plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, F.S., including the following provisions:

Goal (7) Water Resources, Policies (b): 3 and 5 (Issues 4 and 5);

Goal (15) Land Use, Policies (b): 1, 2; and 6 (Issues 1 through 6);

Goal (17) Public Facilities, Policies (b): 1, 6 and 9 (Issues 2 through 6);

Goal (19) Transportation, Policies (b): 1 and 9 (Issues 2 and 3); and

Goal (25) Plan Implementation, Policies (b): 5 (all Issues).

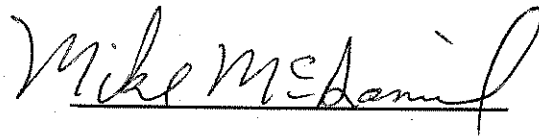
B. Recommended Remedial Actions. These inconsistencies may be remedied by taking the following actions:

1. Revise the plan amendment as described in the recommended remedial actions above.

CONCLUSIONS

1. The plan amendment is not consistent with the State Comprehensive Plan,
2. The plan amendment is not consistent with Chapter 9J-5, F.A.C.
3. The plan amendment is not consistent with the Chapter 163, Part II, F.S.
4. The plan amendment is not "in compliance," as defined in Section 163.3184(1)(b), F.S.
5. In order to bring the plan amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 25th day of October 2010, at Tallahassee, Florida.

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike McDaniel, Chief
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS NOTICE OF INTENT TO FIND THE
HIGHLANDS COUNTY
COMPREHENSIVE PLAN AMENDMENT NOT IN COMPLIANCE
DOCKET NO. 10-D1-NOI-2801-(A)-(N)
10-1ER-NOI-2801-(A)-(N)

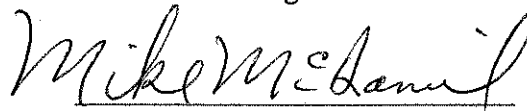
The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for Highlands County, adopted by Ordinance No(s). 09-10-28, 09-10-24, 09-10-25, 09-10-26 and 09-10-27 on September 7, 2010, NOT IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Highlands County Comprehensive Plan Amendment and the Department's Objections, Recommendations, and Comments Report, (if any), and the Department's Statement of Intent to Find the Comprehensive Plan Amendment Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Highlands County Planning Department, 501 South Commerce Avenue, Sebring, Florida 33870.

This Notice of Intent and the Statement of Intent for the Comprehensive Plan Amendment found Not In Compliance will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an Administrative Hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to Administration Commission.

Affected persons may petition to intervene in this proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief
Office of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100