



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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

RICK SCOTT  
Governor

BILLY BUZZETT  
Secretary

TO: **External Agency**

Date: April 12, 2011

Subject: Notices of Intent Filed by DCA

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Enclosed are copies of Notices of Intent published by the Department of Community Affairs regarding the adopted comprehensive plan amendments submitted by the following local government **Frostproof 10-2ER**.

These copies are provided for your information and agency files. No further action is required on your part, as the publication of these notices completes the review process directed by Chapter 163, Florida Statutes. Your assistance during the review process is very much appreciated.

Should you have any procedural questions on this matter, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

April 12, 2011

The Honorable Kay Hutzelman  
Mayor, City of Frostproof  
111 West First Street  
Frostproof, Florida 33843

Dear Mayor Hutzelman:

The Department has completed its review of the City of Frostproof Comprehensive Plan Amendment DCA Number 10-2ER adopted by Ordinance Number 2010-18 on November 1, 2010 and has determined it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.). The Department is issuing a Notice of Intent to find the comprehensive plan amendment in compliance. The Notice of Intent has been sent to the **Lake Wales News Chief** for publication on April 13, 2011.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(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 5 days after receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted City of Frostproof Amendment must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Frostproof City Hall, 111 West First Street, Frostproof Florida 33843.

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

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Kay Hutzelman  
April 12, 2011  
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If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this 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.

If you have any questions, please contact Dan Evans, Principal Planner, at (850) 922-1805.

Yours Sincerely,



Bernard O. Piawah  
Regional Planning Administrator

BOP/de

Enclosure: Notice of Intent

cc: Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council  
Ms. Sarah Adelt, City Clerk, City of Frostproof

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND  
CITY OF FROSTPROOF  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 10-2ER-NOI-5308-(A)-(I)

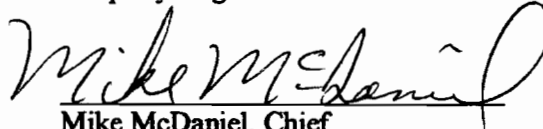
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for City of Frostproof, adopted by Ordinance No. 2010-18 on November 1, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Frostproof Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Frostproof, City Hall, 111 West First Street, 2<sup>nd</sup> Floor, Frostproof, Florida 33843-0308.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the City of Frostproof Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the 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. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under 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 Sub-section 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 Comprehensive Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100