



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 2, 2010

The Honorable Mary Bolin, Chair
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chairman Bolin:

The Department of Community Affairs has completed its review of the County's Comprehensive Plan Amendment (DCA Number 10-R1) adopted on May 27, 2010 by Ordinance Number 10-12. The Department has determined that the amendment meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.). The Department is issuing a Notice of Intent to find the plan amendment "in compliance". The Notice of Intent has been sent for publication on July 6, 2010 in the Florida Today newspaper.

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. Further, be advised that Section 163.3184(8)(c)2, F.S., requires a local government operating an Internet site to post a copy of the Department's Notice of Intent on the Internet within 5 days following receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the County's adopted Comprehensive Plan Amendment 10-R1 and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours at the Planning & Development Department, Building A, 2725 Judge Fran Jamieson Way, Viera, Florida 32763.

If an affected person challenges this "in compliance" determination, 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.

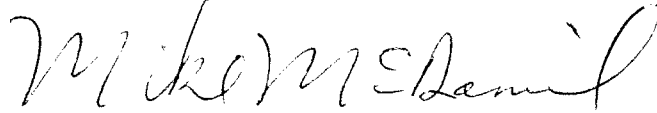
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ 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 Mary Bolin
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If you have any questions regarding this letter, please contact Caroline Knight, Principal Planner, at (850) 922-1773, or by e-mail: caroline.knight@dca.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/ck

Enclosure: Notice of Intent

cc: Mr. Phil Laurien, Executive Director, East Central Florida Regional Planning Council
Mr. Steve Swanke, Planning Manager, Planning & Development Department,
Brevard County

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
CUMULATIVE NOTICE OF INTENT TO FIND THE
BREVARD COUNTY COMPREHENSIVE PLAN AMENDMENT
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT IN COMPLIANCE
DOCKET NO. 10-R1-NOI-0501-(A)-(I)

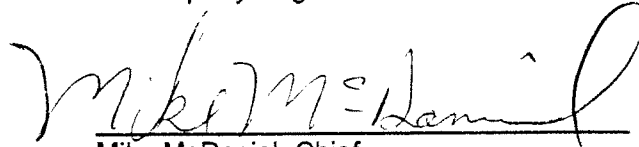
The Department issues this cumulative notice of intent to find Brevard County Comprehensive Plan Amendment adopted by Ordinance No. 09-39 on December 15, 2009, and the remedial amendment adopted by Ordinance No. 10-12 on May 27, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Brevard County 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 Brevard County Planning and Development Department, Building A, 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

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 Remedial Amendments are 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 Administration, 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 Subsection 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
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100