



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

CHARLIE CRIST  
 Governor

THOMAS G. PELHAM  
 Secretary

June 24 2010

The Honorable Larry Kiker, Mayor  
 Town of Fort Myers Beach  
 2523 Estero Boulevard  
 Fort Myers Beach, Florida 33931

TOWN OF  
 FORT MYERS BEACH

JUN 28 2010

Dear Mayor Kiker:

RECEIVED BY

The Department completed its review of the Town of Fort Myers Beach's comprehensive plan amendment (DCA 10-CIE1) adopted on April 19, 2010 by Ordinance No. 10-07. Further, the Department determined that the amendment meets 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 is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent was sent to the Fort Myers News Press newspaper for publication on June 25, 2010. 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 five days after receipt of the mailed copy of the agency's Notice of Intent.

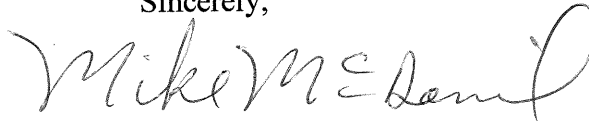
The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect. Please note that a copy of the adopted Town of Fort Myers comprehensive plan amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931.

The Honorable Larry Kiker  
June 24, 2010  
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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 Hearing. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Tom Tumminia, Planner, Division of Community Planning at (850) 922-1824.

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/tt

Enclosure: Notice of Intent

cc: Mr. Frank Shockey, Ph.D., Community Development Director, Town of Fort Myers Beach  
Mr. Ken Heatherington, AICP, Executive Director, SWFRPC

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND  
THE TOWN OF FORT MYERS BEACH  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 10-CIE1-NOI-3605-(A)-(I)

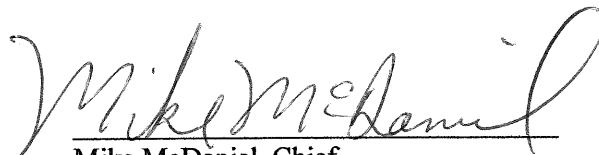
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for The Town of Fort Myers, adopted by Ordinance No. 10-07 on April 19, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted the City of Fort Myers Beach 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 Town of Fort Myers Beach, Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931.

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 Town of Fort Myers Beach 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 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  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100