

Sponsored by: Hernstadt  
Introduction Date: November 23, 2010  
Public Hearing Dates: November 23, 2010  
December 14, 2010  
January 11, 2011  
Enactment date: January 11, 2011

CITY OF MARATHON, FLORIDA  
ORDINANCE 2010-14

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, CREATING NEW ARTICLE I IN CHAPTER 8- BUSINESSES OF THE MARATHON CODE OF ORDINANCES CONCERNING THE LICENSURE AND OPERATION OF VACATION RENTALS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE (IF APPLICABLE); AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon held a workshop at which it instructed the City staff to provide suggestion for ways to improve the Vacation Rental regulations in the City; and

WHEREAS, the City wishes to create an Article in the Code of Ordinances entitled "Vacation Rentals" in order to properly regulate the use of private residential property as a vacation rental unit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS: <sup>1</sup>

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** Article I of Chapter 8-Businesses of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

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<sup>1</sup> / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

## Article I. Vacation Rentals

### Section 8-1 \_\_\_\_.

*Intent and Purpose:* The intent and purpose of this Article is to minimize the potential negative impacts of vacation rental uses through licensure and enforcement; to provide a reasonable period of time for the amortization of existing licensed vacation rental units made noncompliant by the requirements of this Article; and of the discontinuation of such uses which are not in compliance with the provisions of this Article.

### Section 8-2 \_\_\_\_.

#### *Licenses Required:*

#### 1. Vacation Rental Property License.

- (a) A Vacation Rental Property License is required for any property owner renting a legally existing dwelling unit for not less than seven (7) nights and not more than twenty eight (28) nights. The renting of any private residence for a period of less than seven (7) nights is prohibited. If a lot has more than one (1) legally existing dwelling unit on the property, a Vacation Rental Property License shall be obtained for each dwelling that is to be used for vacation rentals.
- (b) A Vacation Rental Property License shall be valid for a period of one year and shall be renewed annually.
- (c) The renewal application shall be received by the City thirty (30) days prior to the expiration date of the license.
- (d) The owner of a property seeking a Vacation Rental Property License shall complete a City of Marathon Vacation Rental training session and obtain a certificate of completion ("Vacation Rental Certificate").
- (e) The Vacation Rental Certificate shall be renewed every two years.
- (f) Only one owner of a property seeking a Vacation Rental Property License shall obtain a Vacation Rental Certificate.
- (g) In lieu of obtaining a Vacation Rental Certificate, a property owner seeking a Vacation Rental Property License may contract with a person with a valid Vacation Rental Agent License.

#### 2. Vacation Rental Agent License.

- (a) Any person authorized to act on behalf of a property owner with a Vacation Rental Property License shall obtain and maintain a Vacation Rental Agent License.
- (b) A Vacation Rental Agent License shall be valid for a period of one year and shall be renewed annually.
- (c) The renewal application shall be received by the City thirty (30) days prior to the expiration date of the license.
- (d) One Vacation Rental Agent License may be used for the Management of one or more properties with a Vacation Rental Property License.
- (e) A Vacation Rental Agent shall complete a City of Marathon Vacation Rental training session and obtain a certificate of completion annually.

3. Fees.

- (a) An application for new Vacation Rental Property Licenses and new Vacation Rental Agent Licenses shall be accompanied by a non-refundable application fee.
- (b) The Vacation Rental Licensee or Vacation Rental Agent shall submit a renewal application and pay an annual license renewal fee on or before thirty (30) days prior to the expiration date of an existing and valid Vacation Rental Property License or Vacation Rental Agent License.
- (c) Any license not renewed when due and payable is delinquent and shall be automatically void. The holder of a void licenses shall apply to the City in the same manner as a new Vacation Rental Property License or Vacation Rental Agent License and pay the new application fee. Once a license is void, no rental activity may occur on the property and the property may not be advertised as a vacation rental.
- (d) The City Council shall create and may amend the fee schedule for Vacation Rental Property Licenses and Vacation Rental Agent Licenses by Resolution.

Section 8-3 \_\_\_\_.

*Agency:* The owner of the vacation rental is responsible for compliance with the provisions of this Article and the failure of a Vacation Rental Agent to comply with this Article shall be deemed non-compliance by the owner.

Section 8-4 \_\_\_\_.

*General Provisions:* Any Licensee or Vacation Rental Agent shall comply with the following:

1. Vacation Rental units shall be cleaned thoroughly before each tenancy. The floors of the unit shall be vacuumed and/or mopped before each new rental period.
2. All outside storage of trash and debris shall be in covered trash containers, Each vacation rental unit shall be equipped with at least four (4) covered trash containers for such purpose.
3. Serve as the local contact person for the vacation rental and shall be available twenty four (24) hours per day, seven (7) days per week for the purpose of responding promptly within one hour to complaints regarding the conduct of the occupants of the vacation rental or to the questions and concerns of the registered tenants of the vacation rental unit. The name and phone number of the contact person shall be registered with the City of Marathon and provided to the Sheriff's Department.
4. Provide access to any authorized City employees to inspect the vacation rental unit.
5. Each licensed vacation rental shall not contain more than one (1) kitchen.
6. Maintain a list of registered tenants, the number of occupants which will be present during any occupancy, and the number, make and model of vehicles each tenant will have on site during each occupancy. This information shall be readily available upon request of any City employee or Sherriff's Deputy.

7. The owner shall provide off-street parking on property owned or lawfully leased by the owner of the property or the occupants for all vehicles, water craft and trailers to be used by the tenants during any occupancy. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space. Vehicles, watercraft, and trailers may be parked on the right of way within the limits of the vacation rental unit property lines if it is the common practice of those on the street where the vacation rental is located and the placement of the vehicle, watercraft, or trailers would not impede the normal and safe flow of traffic on the street.
8. The total length of docked vessels shall not exceed the width of the property at the waterline. Docked vessels may not be rafted together so as to align two or more vessels abeam of one another. No docked vessel may create a hazard to navigation. For the purpose of this Article, a hazard to navigation shall mean that the dock and vessel measures in excess of 25% of the width of the water body adjacent to the property. No boat docked at a vacation rental property shall be chartered to a person other than registered guests of the vacation rental unit or used for live-aboards, sleeping or overnight accommodations.
9. Recreation vehicles shall not be used for sleeping or overnight accommodations at the vacation rental unit.
10. The occupancy of an individual dwelling shall conform to the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code. Notwithstanding the foregoing, total occupancy in all cases shall be subject to the following:
  - (a) The maximum overnight tenant occupancy load of any vacation rental unit shall not exceed two (2) persons for each bedroom in the vacation rental unit, plus two (2) persons.
  - (b) Before the hours of 7 AM or dawn, whichever is earlier and after 10 PM, the occupancy load of the vacation rental may not exceed the maximum allowed number of overnight tenants.
  - (c) The City may grant additional occupancy limits, upon the application by the property owner, if the City determines that the vacation rental unit is on a lot greater than one half acre in area, has sufficient parking to accommodate a greater number of tenants than prescribed by this Article, greater occupancy limits will not have an adverse impact on traffic, and that the additional occupancy would not cause a threat to fire safety. In no event shall the occupancy limit exceed the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code.
11. There shall be a written lease between a vacation rental dwelling owner and the tenant and it shall contain the tenant's agreements to the following:
  - (a) Compliance with the regulations contained in this Article.
  - (b) Acknowledging responsibility for all occupants during the rental term to comply with such restrictions as a condition of the agreement, signed by such tenant prior to occupancy.
  - (c) Violations of the posted occupancy and use restrictions may result in immediate termination of the rental agreement, eviction from the vacation rental unit by the Vacation Rental Licensee or Vacation Rental Agent and appropriate fines levied by the City.

12. Nothing in this Article is intended to exclude the application of any other ordinance of the City of Marathon to the property or to the related parties.
13. Vacation rental units shall be registered, licensed and meet all applicable State requirements contained in Fla. Stat. Ch. 212 (Florida Tax and Revenue Act), Fla. Stat. Ch. 509 (Public Lodging Establishments), Chapter 69A-43 F.A.C. (Uniform Fire Safety Standards for Transient Public Lodging Establishments), Chapter 61C-3.001 F.A.C. (Sanitation and Safety Requirements) and Chapter 69A-60 F.A.C. (The Florida Fire Prevention Code), as may be amended.
14. The vacation rental unit shall comply with all State of Florida Department of Health and Florida Department of Environmental Protection standards for wastewater treatment and disposal.
15. Complaints to the Vacation Rental Licensee or Vacation Rental Agent concerning violations by occupants of vacation rental units to this Article shall be responded to within one (1) hour, on site if necessary. The person who made the complaint shall be contacted by telephone or in person and informed as to the results of the actions taken by the Vacation Rental Licensee or Vacation Rental Agent. A record shall be kept of the complaint and the Vacation Rental Licensee's or Vacation Rental Agent's response and reported to the City within two (2) hours of the notification of the complaint by contacting the City in the manner prescribed by the City.
16. No person, owner, tenant, broker, real estate agent, other agent or other representative of the owner may hold out or advertise a residential dwelling for vacation rental if the property has not been issued a Vacation Rental Property License or hold out or advertise a residential dwelling for occupancy or uses not licensed by these regulations. Sufficient evidence to prove vacation rental uses of a dwelling unit shall include: (i) registration or licensing for short-term rental or transient rental use by the state under Fla. Stat. Chs. 212 (Florida Tax and Revenue Act), and 509 (public lodging establishments); (ii) advertising or holding out a dwelling unit for vacation rental use; (iii) reservations, booking arrangements or more than one (1) signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 28 days or less; or (iv) the use of an agent or other third person to make reservations or booking arrangements.

Section 8-5\_\_\_\_\_.

*Advertisement of Vacation Rental:* The City of Marathon Vacation Rental Property License number and the Vacation Rental Agent License number shall appear on all forms of vacation rental unit advertising. Where advertised on the internet, the PLR number shall appear on the "Home Page" of the advertisement.

Section 8-6\_\_\_\_\_.

*Noise:* Vacation Rental tenants shall not unnecessarily make, continue, or cause to be made or continued, any noise disturbance before 7 AM or dawn, whichever is earlier and after 10PM.

Section 8-7\_\_\_\_\_.

*Sign and Notification Requirements:* Each vacation rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

1. The name of the Vacation Rental Licensee or Vacation Rental Agent, and a telephone number at which that party may be reached on a twenty four-hour basis;
2. The maximum number of occupants permitted to stay in the unit;
3. The maximum number of vehicles allowed to be parked on the property;
4. The number and location of on-site parking spaces and the parking rules prohibiting on-street parking;
5. The trash pick-up day and notification that trash and refuse shall not be left out on the right of way for pick-up except from 6:00 p.m. of the day prior to trash pick-up to the day designated for trash pick-up;
6. Notification that an occupant may be cited, fined and immediately evicted by the Vacation Rental Licensee or Vacation Rental Manager, pursuant to State law for creating a disturbance or for violating any provisions of this Article;
7. The Vacation Rental License.

Section 8-8\_\_\_\_\_.

*Transferability:*

1. A Vacation Rental Property License may not be assigned or transferred, pledged, sold, or otherwise transferred by the license holder to any other person, business, or entity. The license belongs solely to the Vacation Rental Licensee and shall remain in the owner's name until such time that the owner ceases to use the property for a short-term rental purpose or sells the property.
2. In the event that a property with a Vacation Rental Property License is sold, the new owner shall submit an application if the new owner wishes to continue to use the property as a vacation rental. An application, accompanied by a license transfer fee as established by resolution of the City Council, shall be made to the City within thirty (30) days of the transfer of the property and thirty (30) days before the first vacation rental of the property.
3. Notwithstanding the foregoing, if an owner or applicant can show a written lease or rental agreement where the owner is obligated to rent the property, which has a valid Vacation Rental Property License, during the period of transfer and can show sufficient proof that the lease or rental agreement was in existence at the time of sale of the property, then this Article shall be waived for the period of time the lease or rental agreement is in effect.

Section 8-9\_\_\_\_\_.

*Violations.*

1. Any violation of this Article of the regulations by any person, owner, tenant, agent, broker real estate agent or other representative of an owner shall be punishable by a fine of up to \$500.00 per day, per unit, per violation.
2. The code compliance department may also enforce the terms of this Article by bringing a case before the Code Compliance Board pursuant to Chapter 10, City Code; Fla. Stat. § 162.21,(as may be amended).

3. Each day the violation continues or occurs shall constitute a separate offense. In addition to any other remedy available to the City, the City or any adversely effected party may enforce these regulations or the terms of this Ordinance in law or in equity. The City or any party adversely affected by any violation may seek injunctive relief from a court of competent jurisdiction to prevent a violation of this Article.
4. Alleged violations of these regulations or the Marathon Code may be reported to the Code Compliance Department, the Monroe County Sheriff's Office, or other such provider of municipal law enforcement services, who shall issue an appropriate warning, notice of violation, citation, summons or notice to appear for a violation of these regulations pursuant to Section 1-7 of the Marathon Code. Any person who reports an alleged violation of these regulations shall identify the location of the violation, the Vacation Rental Licensee or Vacation Rental Agent, if known, the date and time of the incident, and the name and address and telephone number of the complainant.

Section 8-10 \_\_\_\_.

*Revocation or Suspension of Vacation Rental License:*

1. A property with three (3) violations of this Article in any twelve (12) month period shall have its Vacation Rental Property License suspended for a period of twelve (12) months. An owner may petition the City Council for reinstatement. The City Council shall consider the violations leading to the suspension before reinstatement
2. A property which has had its Vacation Rental Property License suspended in the previous five (5) years and receives three (3) violations in any twelve (12) month period shall have its Vacation Rental Property License revoked.
3. Any Vacation Rental Agent who receives three (3) violations within any twelve month (12) period shall pay double the annual registration fee in the ensuing registration year. In the event of six (6) violations under this Article within any twelve month (12) period, the Vacation Rental Agent shall have their Vacation Rental Agent License suspended for no less than twelve (12) months.
4. Any rental activity or advertisement of a property with a suspended or revoked Vacation Rental Property License by a Vacation Rental Licensee or Vacation Rental Agent shall result in the immediate revocation of the property's Vacation Rental Property License and/or the Vacation Rental Agent's License for a period of no less than sixty (60) months.
5. Failure to pay any fine imposed on a Vacation Rental Licensee or Vacation Rental Agent as a result of a citation or determination of violation by the Code Compliance Board shall result in the suspension of the Vacation Rental Property License or Vacation Rental Agent License until such time as the fine is paid.
6. Any property owner of a property which has had its Vacation Rental Property License revoked, shall not be issued a Vacation Rental Property License in the event that the property owner transfers or otherwise conveys his/her/its interest to another entity in which the property owner has any financial or ownership interest.

Section 8-11 \_\_\_\_\_.

*Appeal:* A Vacation Rental Licensee or Vacation Rental Agent may appeal a Citation issued by the City as provided in Chapter 10 of the City Code.

Section 8-12 \_\_\_\_\_.

*License and Fees Not Exclusive:* Licenses and fees required by this Article shall be in addition to any license, permit or fee required under any other chapter of the Marathon Code. The issuance of any license pursuant to this Article shall not relieve the owner of the obligation to comply with all other provisions of the Marathon Code pertaining to the use and occupancy of the vacation rental or the property on which it is located.

Section 8-13 \_\_\_\_\_.

*Transitional Provision:* Owners of vacation rental units with a City of Marathon vacation rental license issued prior to February 13, 2007 shall conform with the provisions of this Article within 90 days of the effective date of this Article; otherwise the use shall be discontinued.

Section 8-14 \_\_\_\_\_.

*Mandatory Evacuation:* All vacation rental units shall be evacuated as required upon the posting of a nonresident evacuation order issued by the City, County or State.

**Section 3.** The Provisions of the Marathon Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4.** The provisions of this Ordinance are declared to be severable, and if any sentence, Article, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, Articles, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that Articles of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6.** This Ordinance shall be effective immediately upon enactment.



ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, THIS 11<sup>th</sup> DAY OF JANUARY, 2011.

THE CITY OF MARATHON, FLORIDA



\_\_\_\_\_  
Ginger Snead, Mayor

AYES:       Cinque, Ramsay, Worthington, Keating, Snead  
NOES:       None  
ABSENT:     None  
ABSTAIN:    None

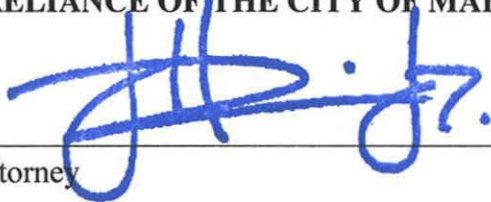
ATTEST:



\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



\_\_\_\_\_  
City Attorney

**STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS**

In re: CITY OF MARATHON LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY ORDINANCE NO. 2010-14

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FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2010), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On March 8, 2011, the Department received for review City of Marathon Ordinance No. 2010-14 ("Ord. 2010-14") that was adopted by the City of Marathon Board of City Commissioners on January 11, 2011. The purpose of Ord. 2010-14 is to create new Article 1 in Chapter 8 – Businesses of the Marathon Code of Ordinances concerning the Licensure and Operation of Vacation Rentals to ensure that service to owners and agents is improved and to further ensure that neighbors who may be affected by the existence of a vacation rental in their neighborhood are protected.
3. Ord. 2010-14 is consistent with the City's 2010 Comprehensive Plan including Policy 1-3.2.6 Restrict Development of New Transient Units, and Policy 1-3.3.5 Encourage Redevelopment of Tourist Resort - Campground facilities.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2010).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2010) and Rule 31-31.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2010). The regulations adopted by Ord. 2010-14 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 (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2010-14 is consistent with the following Principles:

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(f) To enhance natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

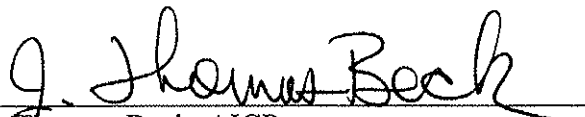
(m) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

9. Ord. 2010-14 is neutral with respect to the remaining Principles. Ord. 2010-14 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2010-14 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 filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

  
J. Thomas Beck, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

#### 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, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO 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 THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

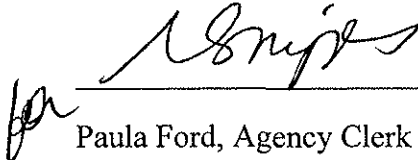
THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 31-106.201(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 listed below by the method indicated this <sup>26<sup>th</sup></sup> day of April, 2011.

  
\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Ginger Snead, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Diane Clavier, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John R. Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator  
Richard E. Shine, Assistant General Counsel