

Sponsored by: Hernstadt
Introduction Date: November 19, 2012
Public Hearing Dates: November 27, 2012
December 11, 2012
Enactment Date: December 11, 2012

CITY OF MARATHON, FLORIDA
ORDINANCE 2012-13

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 14, ARTICLE III ENTITLED "PROTECTION OF SEA TURTLES" OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF ECONOMIC OPPORTUNITY IN ACCORDANCE WITH STATE LAW

WHEREAS, the City Council of the City of Marathon (the "City") deems it necessary to protect and conserve its marine resources, including federally listed endangered species such as sea turtles; and

WHEREAS, the City is dedicated to preventing adverse impacts of lighting on coastal resources and to maximize protection of sea turtles; and

WHEREAS, the City Council has adopted Comprehensive Plan Policies and Land Development Regulations to further these goals; and

WHEREAS, the current sea turtle protection ordinance, located in Chapter 14 Article 3 of the Code of Ordinance, City of Marathon, Florida (the "Marathon Code") has not been updated since its adoption in 1999; and

WHEREAS, City staff has found a need for updating certain portions of the Land Development Regulations in order to maintain its effectiveness in furtherance of the Comprehensive Plan; and

WHEREAS, the proposed changes to the Land Development Regulations are consistent with the goals, objectives, and policies set forth in the Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3174 and 166.041, *Florida Statutes*, and Section 102, Article 7 of the Marathon Code, the City's Planning Commission sitting as the Local Planning Agency has publicly considered the amendments to Land Development Regulations set forth in this Ordinance (the "Amendment") at a properly noticed public hearing and

recommended to the City Council the adoption of the Amendment; and

WHEREAS, the City Council finds the adoption of the Amendment, in substantially the form attached hereto, is in the best interest of the City and complies with applicable State laws and rules.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Chapter 14 of the City of Marathon Land Development Regulations is hereby amended to read as follows:

Sec. 14-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artificial light or artificial lighting means ~~the light emanating from any manmade or man-controlled device.~~ any point source of light emanating from a bulb, lamp, filament or other man-made source within a fixture that emanates light, including, but not limited to incandescent, tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high pressure sodium, and low pressure sodium light sources, as well as natural gas lights, torches, camp and bonfires. When a lamp is contained within a translucent fixture, the entire fixture shall be considered the point source of light.

Bug type bulb means ~~any yellow colored incandescent light bulb, not to exceed 25 watts, that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.~~

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach or dune system seaward of the crest of the primary dune or that are visible to an observer standing anywhere on the beach.

Directly illuminated means illuminated as a result of glowing elements, lamps, globes, or reflectors of an artificial light source that is visible to an observer standing anywhere on the beach.

Disorientation means the inability of hatchling or adult sea turtles to orient properly to the ocean.

Filmed glass means window glass that has been covered with a film such that the material has a shading coefficient of 45 percent or less, adhesive as an integral part, and has performance claims that are supported by approved testing procedures and documentation.

Full cut-off fixture means a fixture with a flat, horizontally oriented lens and opaque sides that does not permit light distribution above a horizontal plane located at the bottom of the fixture.

Jurisdictional boundaries, sea turtle protection, means the area on contiguous land within 300 feet of ~~an identified or potential~~ a nesting area.

Long wavelength means the light with wavelengths greater than 560 nm that emit light in the yellow to red color spectrum.

Low-pressure sodium light means an electric discharge lamp containing sodium, neon, and argon and that appears amber-yellow when lighted.

Nesting area, potential, ~~means any area where sea turtle crawls have been observed.~~ Means those areas identified in the City of Marathon's Comprehensive Plan map series as potential sea turtle nesting area.

Permitted agent of the State means any qualified individual, group or organization possessing a permit from the Department of Environmental Protection or by the Florida Fish and Wildlife Conservation Commission to conduct activities related to sea turtle protection and conservation.

Pole lighting means a light fixture set on a base or pole which raises the source of light higher than forty-eight (48) inches off the ground.

Recessed Ceiling Fixture means the fixture recessed into the ceiling such that no portion of the lamp extends below the horizontal plane of the ceiling.

Sea Turtle nesting season means the period from April 15 through October 31 of each year.

Shield means an opaque covering, canopy or other such device fitted over a light source that blocks the light source from being observed from the beach and prevents the light from illuminating the beach.

Tinted glass means any glass treated to achieve an industry-approved inside-to-outside light transmittal value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.
which:

- ~~(1) Has been treated to achieve an industry approved, inside-to-outside light transmittance value of 45 percent or less (such transmittance is measured as the percentage of visible light that is transmitted through the glass);~~
- ~~(2) Has a minimum five (5) year warranty for the level of light transmittance specified in Subsection (1) of this section; and~~
- ~~(3) Has performance claims which are supported by approved testing procedures and documentation.~~

Translucent Fixture means a fixture consisting of a material (e.g., frosted glass) that transmits light but causes sufficient diffusion to prevent a distinct image of the lamp inside.

Up-lighting means lighting fixtures that are directed upward, usually onto objects (flags, monuments, signs, buildings, landscape, etc.).

Wildlife Lighting means artificial lighting that minimizes the potential for negative affects to the nocturnal behaviors of nesting and hatchling sea turtles and other wildlife. The following criteria apply:

- (1) The light source is mounted as low to the ground or floor as practicable through the use of fixtures such as, low-mounted wall fixtures, low bollards, and ground-level fixtures;
- (2) The lumens emitted by the light source are the minimal required for the intended application;
- (3) The light source is contained within a full cut-off or fully shielded fixture such that no light is broadcast above a horizontal plane and the point source of light and any reflective surfaces of the fixture are not directly visible from the beach;
- (4) The lamps emitting predominately long-wavelength light (>560 nm). These long-wavelength light sources include low pressure sodium vapor lamps, amber and red LEDs, true red neon lamps,

and other lamps certified by the Florida Fish and Wildlife Conservation Commission as "Wildlife Lighting".

Window tinting means tinting or film that meets the standards for tinted glass.

Sec. 14-62. - Prohibition of activities disruptive to sea turtle.

- (b) *Prohibiting storage or placement of any material in the nesting area.* The storage or placement of any material such as but not limited to construction material, rip-rap, trash and debris, mulch, beach wrack/sea-grass, or other organic material, landscaping material, fill, vehicles, or boats, that has the potential to impede movement of hatchlings or adults between ocean and nesting areas, or that may cover existing nests or nesting sites is strictly prohibited.

- (d) If any turtle nests or nesting activities have been reported within a portion of a beach, any temporary structures, including but not limited to beach chairs, umbrellas and cabanas which have the potential for entrapment of marine turtles and which may interfere with the use of the natural beach environment for nesting habitat shall be:

- (1) Removed from the beach nightly; or
- (2) Stored in areas designated by the City staff which are situated to avoid interference with marine turtles; or
- (3) Placed in a manner so as to not obstruct the transit of turtle hatchlings to the water. Placement should include stacking in a staggered pattern at the landward edge of the beach.

Sec. 14-63. - Standards for exterior artificial lighting.

To prevent exterior artificial lighting from illuminating the jurisdictional boundaries or adjacent waters during the nesting season, the following measures shall be taken to reduce or eliminate ~~the~~ disorientation and other negative effects of new or existing artificial lighting:

- (1) Exterior artificial light fixtures within direct line-of-sight of the beach shall be designed, positioned, modified, or removed so that:

- a. The point source of light or any reflective surface of the light fixture is not ~~directly~~ visible to an observer standing anywhere on ~~from~~ the beach.
 - b. The area within the jurisdictional boundaries is not directly or indirectly illuminated.
 - c. The area within the jurisdictional boundaries is not cumulatively illuminated.
- (2) Measures such as but not limited to the following shall be taken to reduce or eliminate the negative effects of new or existing artificial beachfront lighting ~~through appropriate design:~~
- a. Positioning of fixtures so that the point source of light or any reflective surface of the light fixture is eliminated or is no longer visible to an observer standing anywhere on ~~from~~ the beach.
 - b. Replacement of fixtures having an exposed light source with fixtures containing recessed light sources or shields.
 - c. Replacement of traditional light bulbs with long wave length lights, red, orange or amber LEDs, yellow bug type bulbs not exceeding 25 watts or low-pressure sodium vapor lamps, or other Wildlife Lighting.
 - d. Replacement of non-directional fixtures with completely shielded directional fixtures that point down and away from the beach.
 - e. Replacement of fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible to an observer standing anywhere on ~~from~~ the beach.
 - f. Replacement of pole lamps with low-profile, low-level luminaries no higher than 48 inches off the ground such as low-mounted wall fixtures, low bollards, and ground-level fixtures, so that the light source or any reflective surface of the light fixture is not visible to an observer standing anywhere on ~~from~~ the beach.
 - g. Replacement of incandescent, fluorescent, and high-intensity lighting with the lowest wattage low-pressure

sodium vapor lighting or other Wildlife Lighting possible for the specific application.

- h. Planting or improvement of landscape vegetation in compliance with the land development regulations (~~Chapter 9.5-345 of the 1984 Code, environmental design criteria~~) between the light source and the beach to screen light from the beach.
- i. Construction of ground level barriers, in compliance with the land development regulations, (~~Chapter 9.5-345 of the 1984 Code, environmental design criteria~~) to shield light sources from the beach. Ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach/dune system.
- j. ~~Limitation of exterior lights used expressly for safety or security purposes. Any such lighting allowed must conform to the measures set forth in this section in order to reduce or eliminate negative effects on sea turtles.~~ Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s) and shall conform to the measures set forth in this section in order to reduce or eliminate negative effects on sea turtles. The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are preferred.
- k. Permanent removal of all floodlights, up-lights, or spotlights used for decorative or accent purposes that are directly visible to an observer standing anywhere on the beach, or which indirectly or cumulatively illuminate the beach. This includes lighting of fountains, ponds, trees, landscaping and other purposes not related to human safety or security.
- l. Permanent removal or disabling of any fixture which cannot be brought into compliance with the provisions of these standards.
- m. Shielding or modification of any existing lighted sign pursuant to the land development regulations (~~Chapter 9.5-345 of the 1984 Code, environmental design criteria~~) such that it is not directly visible to an observer standing anywhere on ~~from~~ the beach.

- n. Interior swimming pool and associated pool deck lighting shall be turned off during sea turtle nesting season. If these lights cannot be turned off due to necessary nocturnal use, lights shall be amber or red LED lamps. Automatic timers are acceptable means of compliance with this standard.

Sec. 14-64. - Standards for interior artificial lighting.

To prevent interior artificial lighting from illuminating the jurisdictional boundaries or adjacent waters during the nesting season, measures such as, but not limited to the following shall be taken to reduce or eliminate ~~the~~ disorientation and other negative effects of new or existing interior light emanating from doors and windows:

- (1) Interior artificial lighting within direct line-of-sight of the beach shall be designed, positioned, modified, or removed so that:
 - a. The point source of light or any reflective surface of the light fixture is not ~~directly~~ visible to an observer standing anywhere on from the beach.
 - b. The area within the jurisdictional boundaries is not directly or indirectly illuminated.
 - c. The area within the jurisdictional boundaries is not cumulatively illuminated.
- (2) Measures such as but not limited to the following shall be taken to reduce or eliminate the negative effects of new or existing interior beachfront lighting ~~through appropriate design~~:
 - a. Use of window treatments such as blackout draperies, shade-screens or blinds to shield interior lights from the beach.
 - b. Installation of new windows and glass doors which meet the standards for tinted glass or, for existing windows and glass doors, an application of window tint or film that meets the standards for tinted or filmed glass as defined in this chapter.
 - c. Turning off all unnecessary ~~interior~~ lights.
 - d. Arrangement of lamps and other moveable light fixtures away from windows.

- e. Appropriate interior design to eliminate overhead lighting which could illuminate the nesting beach; and
- f. For new construction within line of sight of the beach, tinted glass shall be installed on all windows and glass doors of single-story or multistory structures. This includes the seaward and shore- perpendicular sides of any structure.

Sec. 14-67. Responsibility for compliance.

~~The property owner and, where applicable, the designee, agent, tenant, lessee, or assignee, shall each be held responsible for adherence to this article.~~

Sec. 14-67. – Penalty.

- (a) The City may enforce the provisions of this chapter by any lawful means including, but not limited to, in accordance with section 1-7 of the Marathon Code, chapter 10 of the Marathon Code, or chapter 109, article II of the Land Development Regulations. In addition, the City may notify the property owner or other person responsible for lighting or management of the property, in writing, that an external lighting source causing a violation may be removed by the City. The City shall recover from the property owner the costs of removal of external lighting sources causing violations, which costs shall constitute a lien against such equal in rank and dignity with the liens of all State, County, District, or Municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid.
- (b) Each property owner and, where applicable, his designee, agent, tenant, lessee, or assignee, shall each be responsible for adherence to the provisions of this chapter.

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, 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, sections, 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 that the provisions of this Ordinance shall become and be made a part of the Marathon Code; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. The provisions of this Ordinance constitute a “land development regulation” as defined by State law. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State of Florida Department of Economic Opportunity, in its capacity as the State Land Planning Agency as required by Chapters 163 and 380, *Florida Statutes*.

Section 7. This Ordinance shall be effective upon approval by the State Department of Economic Opportunity, pursuant to Chapter 380, *Florida Statutes*.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11th DAY OF DECEMBER, 2012.

THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

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

ATTEST:



Diane Clavier, City Clerk

(CITY SEAL)

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



City Attorney

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY THE CITY OF MARATHON,
FLORIDA, ORDINANCE NO. 2012-13

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat., approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2012-13 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. The City of Marathon is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City of Marathon on December 11, 2012, and rendered to the Department on January 10, 2013.
3. The Ordinance amends Sections 14-61 through 14-64 and Section 14-67 of the City of Marathon land development regulations regarding protection of sea turtles. The amendments to the regulations bring consistency with the City’s existing Turtle Lighting ordinance and the latest sea turtle management research and Best Management Practices. The amendments include new and amended definitions; prohibitions regarding activities which may interfere with sea turtle nests and nesting activities; standards for exterior and interior lighting; and enforcement and penalties.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11)

and § 380.0552(9), Fla. Stat. The City of Marathon is a local government in the Florida Keys Area of Critical State Concern.

2. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

3. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

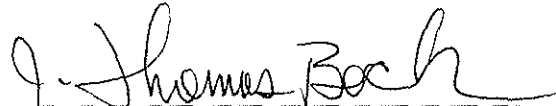
4. The Ordinance is consistent with the Principles for Guiding Development in Section 380.0552(7)(a), (b), (c), and (h), Fla. Stat., and with the Principles as a whole and is not inconsistent with any provision.

5. The Ordinance is consistent with Policy 4-1.2.3, Policy 4-1.3.1, Policy 4-1.11.7, Policy 4-1.11.8 and Policy 4-1.11.9 of the City of Marathon Comprehensive Plan.

WHEREFORE, IT IS ORDERED that City of Marathon Ordinance No. 2012-13 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 Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.



J. THOMAS BECK, AICP
Director, Division of Community Development
Department of Economic Opportunity

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, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND 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 FINAL ORDER. A PETITION IS FILED WHEN IT IS **RECEIVED** BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128

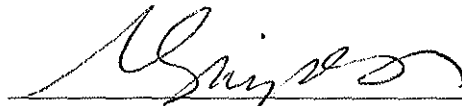
THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(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 25th day of January, 2013.



Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:

Honorable Mike Cinque
Mayor, City of Marathon
9805 Overseas Highway
Marathon Florida 33050

George Garrett, Director of Planning
City of Marathon
9805 Overseas Highway
Marathon Florida 33050

John R. Herin, Jr., Esq.
Marathon City Attorney
Gray-Robinson, P.A.
401 E. Las Olas Blvd., Suite 1850
Fort Lauderdale, FL 33301

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DEO Tallahassee
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee