

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING ARTICLE XI – CONCURRENCY MANAGEMENT OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE XI CONCURRENCY MANAGEMENT SPECIFICALLY PART 11.00.00 GENERAL PROVISIONS; PART 11.02.00 CONCURRENCY REVIEW SYSTEM; PART 11.03.00 DETERMINATION OF CONCURRENCY; PART 11.05.00 MEASUREMENT OF LEVEL OF SERVICE STANDARDS; AND PART 11.08.00 CONCURRENCY EXEMPTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, that:

Section 1. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.00.04 Exempt Developments in its entirety and substituting the following in its stead:

Sec. 11.00.04 Exempt Developments

Projects, Subdivisions, Parcels, or Lots defined as Categorically Exempt Developments or residential developments that are exempt from the school concurrency requirements of this Article as defined in Section 11.08.03 or that have previously received a “Concurrency Exemption Determination” pursuant to Part 11.08.00.

Section 2. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.02.01 Applicability paragraph A in its entirety and substituting the following in its stead:

- A. This Article shall not be applicable to categorically exempt Projects or Projects with valid Concurrency Exemption Determinations, or as provided in Part 11.08.00. School Concurrency requirements shall not be applicable to residential development considered exempt from the school concurrency requirements pursuant to Section 11.08.03 of this Article.

Section 3. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.02.02 Application for Concurrency Determination paragraph A Completeness Review in its entirety and substituting the following in its stead:

A. Completeness Review

Within five (5) working days of receiving an Application for Concurrency Determination, the County Administrator shall determine whether the application is complete. An Application for Concurrency Determination for a residential development that is not exempt from school concurrency requirement will be considered incomplete unless a companion Application for School Concurrency has been submitted to the St. Johns County School District. If the County Administrator finds that the Application is not complete, a letter shall be sent to the Applicant within five (5) working days identifying all additional or revised information which is required; the County Administrator shall take no further action on the application until the information is received. If the County Administrator finds that the application is complete, the application shall be forwarded to the Evaluating Departments.

Section 4. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.03.02.B Final Concurrency Determination paragraph 3.a in its entirety and substituting the following in its stead:

3. That Public Facilities and Services will be available at all subsequent stages of the Development approval process up to the date of expiration of the Final Certificate of Concurrency or the extended capacity reservation, subject to the following conditions and time limits set:
  - a. Transportation, Solid Waste, Drainage, Parks and Recreation, Mass Transit Facilities, and Public Schools.

For transportation, solid waste, drainage, parks/ recreation, and mass transit facilities, the Final Certificate of Concurrency shall guarantee that there will be a finding of concurrency at subsequent steps in the development approval process for a given property or a Project for a period of two (2) years for each phase following the approval of the Final Certificate of Concurrency. For public schools, the Final Certificate of Concurrency shall guarantee that there will be a finding of school concurrency at subsequent steps in the development approval process for a given property or a Project for a period of two (2) years (no phases) following the approval of the Final Certificate of Concurrency or modification of a previously approved Final Certificate of Concurrency to add school concurrency. If the Applicant with a valid, unexpired Final Certificate of Concurrency obtains Construction Plan approval, Final Subdivision Plat approval, or a Building Permit, as applicable, for horizontal or vertical Construction within the two (2) year period, the Final Certificate of Concurrency shall remain in effect until the expiration of the Building Permit, Final Subdivision Plat or Construction Plan approval to which it applies. If the Applicant fails to obtain such approval within the two (2) years, the Final Certificate of Concurrency may be extended for up to an additional three (3) year period provided the Applicant:

- (1) Pays the applicable reservation (impact) fee within two (2) years following the issuance of the Final Certificate of Concurrency and signs a waiver of rights for the refund of impact fees in consideration for the extension of the Final Certificate of Concurrency using one of the following options:
  - (a) The applicant may pay 100% of the applicable impact fee in consideration of a three (3) year extension; or
  - (b) The applicant may pay one-third (1/3) of the applicable impact fee in consideration of a one (1) year extension. For each subsequent one-third payment, an additional one year extension may be granted, not to exceed a total of three (3) years extension.
- (2) Upon applying for a Building Permit, the Applicant pays the difference, if any, between the reservation fee paid in advance to extend the Final Certificate of Concurrency and the total impact fee, as determined at the time of permit application; and
- (3) Submits documentation from the Utility Provider verifying water and sewer capacity is available for the additional three (3) years for the Equivalent Residential Connections (ERCs) required by the amount of Development contained in the Final Certificate of Concurrency.

Section 5. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.03.03. Consistency of Phased Projects with Final Certificates of Concurrency, paragraph A Multi-phase Projects in its entirety and substituting the following in its stead:

A. Multi-phase Projects

Multi-phase projects may have a Final Certificate of Concurrency effective for up to two (2) years for each phase with extensions as provided in Section 11.03.02.B not to exceed a total of five (5) years for all phases for all public facilities except schools. Phases must be consistent with PUD phasing, if applicable, such that each concurrency phase shall have the same amount of development as the corresponding PUD phase. Under no circumstances can any Final Certificate of Concurrency be extended beyond a total of five (5) years for all phases by pre-payment of impact fees pursuant to Section 11.03.02.B.

Section 6. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.03.05 Effect of Final Determination of Concurrency for Final Development Permits in its entirety and substituting the following in its stead:

Sec. 11.03.05 Effect Of Final Determination Of Concurrency For Final Development Permits

In order to receive approval for a Final Development Permit, the Applicant must have a valid Final Certificate of Concurrency. If an Applicant with a valid, unexpired Final Certificate of Concurrency obtains Construction Plan, Final Subdivision Plat, or Building Permit approval for horizontal or vertical Construction, as applicable, within the time limit specified in Section 11.03.02.B.3., the Final Certificate of Concurrency shall remain in effect as long as the Project continues in compliance with the phasing schedule approved in the Final Certificate of Concurrency provided, however, that the Final Certificate of Concurrency may be extended for an additional three (3) years if the Applicant pays the applicable reservation (impact) fee. If the Applicant fails to obtain a Final Development Permit within the time frames specified in Section 11.03.02.B.3., a new Final Certificate of Concurrency shall be required. Notwithstanding anything to the contrary contained in this Concurrency Management Article, a Final Certificate of Concurrency may be issued for a period of time of up to ten (10) years pursuant to and subject to the terms and conditions contained in a valid existing Development agreement entered into by the Applicant and the County pursuant to Sections 163.3220 through 163.3243, F.S., as amended.

- A. To the extent the reserve capacity issued to the Development through the Final Certificate of Concurrency is not demanded by the completed or modified development, the unused capacity is released, phase by phase, as applicable. If the Final Certificate of Concurrency expires for any phase, then, upon expiration, the reserved capacity for the expired phase and any subsequent phases is released for use by other Applicants.
- B. If the underlying Final Development Permit to the Final Certificate of Concurrency is revoked, denied or expires, the reserve capacity is released for use.

Section 7. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.03.06 Minimum Requirements paragraph D and E and substituting the following in its stead:

D. Category 4 Criteria

For public school facilities, at a minimum, a proposed residential Project shall meet the following standards to satisfy the concurrency requirement.

1. The School District's findings indicate adequate school facilities will be in place or under actual construction in the affected concurrency service area (CSA) within three (3) years after the issuance of the subdivision plat or site plan for each level of school;
2. Adequate school facilities are available in an adjacent CSA or under actual construction within three (3) years and the impacts of development shall be

shifted to that area. If capacity exists in more than one CSA or school within a CSA, the School District shall determine where the impact shall be shifted;

3. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan, as provided in this element.
4. In the event that there is not sufficient capacity in the affected concurrency service area or an adjacent concurrency service area, the developer shall also have the option to delay approval to a date when capacity and level of service can be assured.

E. Intergovernmental Coordination

The Minimum Requirements shall apply only to those facilities within the unincorporated area of the County. If a portion of the applicable service area or Traffic Impact Area lies within an adjacent County or a local government within St. Johns County, only those facilities lying within the unincorporated County shall be evaluated; provided, however, that the Public Facilities and Services lying within the adjacent County, local government of St. Johns County, or the St. Johns County School District may be evaluated if the County has entered into an interlocal agreement with such County or local government providing for concurrency review. If the County has entered into an interlocal agreement providing for concurrency review, the Adopted Level of Service standard for those facilities lying within the adjacent County, local government, or the St. Johns County School District shall be those adopted by such adjacent County, local government, or School District. A certification from the adjacent County or local government that the issuance of the Development Permit will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent County, local government, or School District shall be required prior to the issuance of a Final Certificate of Concurrency.

Section 8. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by adding paragraph A.4 to Section 11.03.07 Determination of Available Capacity for Applications for Concurrency Determinations as follows:

4. The method to individually determine total capacity of public school facilities will be consistent with Category 4 criteria.

Section 9. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by adding paragraph D to Section 11.03.08 Modification of Approved Projects With Final Certificates of Concurrence as follows:

- D. An updated School Concurrency Determination letter from the St. Johns County School District will be required for any increase in residential units for all residential developments that are subject to school concurrency.

Section 10. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by adding Section 11.05.08 Public Schools as follows:

Sec. 11.05.08 Public Schools

A. Level of Service (LOS) Standard

Consistent with the Public School Facilities Element and the Capital Improvements Element of the Comprehensive Plan, the following Adopted LOS Standard shall serve as the minimum criteria for determining whether available public school capacity exists within a School Concurrency Service Area. This LOS standard shall apply only to residential Projects.

The districtwide level of service standards are initially set as the 100% of the Permanent Florida Inventory of School House (FISH) Capacity based on the utilization rate as established by the State Requirements for Educational Facilities (SREF), effective August 2005.

Leased Relocatables shall be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the Permanent FISH capacity and shall not be used for a period to exceed five years. Relocatables may also be used to accommodate special education programs as required by law.

It is the intent of the School District that new schools be designed and constructed based on the following design capacities:

New Elementary (K-5)	Design Capacity of 700
New Middle (6-8)	Design Capacity of 1000
New K-8	Design Capacity of 1000
New High (9-12)	Design Capacity of 1500

B. Data Requirements and Concurrency Evaluation

The concurrency evaluation shall be performed in accordance with Section 11.03.07 of this Article pursuant to the Application for School Concurrency filed with the St. Johns County School District. The Application for School Concurrency submitted to the School District shall be submitted simultaneously with the Application for Concurrency Determination to be submitted to the County such that neither the Application for Concurrency Determination submitted to the County nor the Application for School Concurrency submitted to the School District can be processed unless the other has also been submitted.

C. Concurrency Analysis for Public School Facilities

Adequate capacity of public schools shall apply only to Development Permits, or those portions of Development Permits, which propose residential Development. Applications for Concurrency Determinations shall be analyzed with respect to the availability of adequate public school facility capacity by the St. Johns County School District:

1. The number of school age children within the Project expected to utilize public school facilities.
2. The availability of capacity in the applicable school concurrency service area for each level of school.
3. The availability of capacity in the adjacent school concurrency service area for each level of school.

Section 11. St. Johns County Ordinance No. 99-51, as previously amended, is hereby amended by deleting Section 11.08.03 and substituting the following in its stead:

Sec. 11.08.03 School Concurrency Exemptions

The following residential development shall be considered exempt from the school concurrency requirements of this Article:

- a. Developments of Regional Impact (DRIs) for which a development order has been issued prior to the effective date of SB 360 or for which a development of regional impact application was submitted prior to May 1, 2005.
- b. Single family lots of record existing prior to the effective date of the Public School Facilities Element of the St. Johns County Comprehensive Plan (PSFE).
- c. Any residential development that has site plan, final subdivision approval, or the functional equivalent prior to the effective date of the PSFE, but only to the extent of the number of residential units that had such approval prior to the effective date of the PSFE.
- d. Amendments to residential development approvals, which have received site plan, final subdivision approval, or the functional equivalent prior to the effective date of the PSFE, and which do not increase the number of residential units or change the type of residential units proposed.
- e. Age restricted development that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such

deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years.

- f. Group quarters including residential type of facilities such as local jails, prisons, hospitals, nursing homes, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Section 12. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 13. Effective Date. This Ordinance shall take effect on May 18, 2010 or upon its being filed with the Department of State of Florida, which ever is later.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of May, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Ron Sanchez  
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk of Court

By: Wenme King  
Deputy Clerk

Rendition Date: May 20, 2010

Effective Date: May 24, 2010



# The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **KAREN J. BRANNON**

who on oath says that she is an Employee of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement being a **DISPLAY AD**

In/the matter of **NOTICE OF HEARINGS – TUES APR 6 & TUES MAY 18**

**AMENDING ARTICLE XI & APPENDIX A** was published in said newspaper **MARCH 27, 2010**

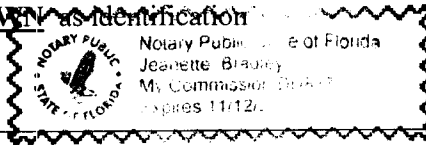
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **29th day of MARCH, 2010**

by *Karen J. Brannon* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification

*Jeanette Bradley*

(Signature of Notary Public)



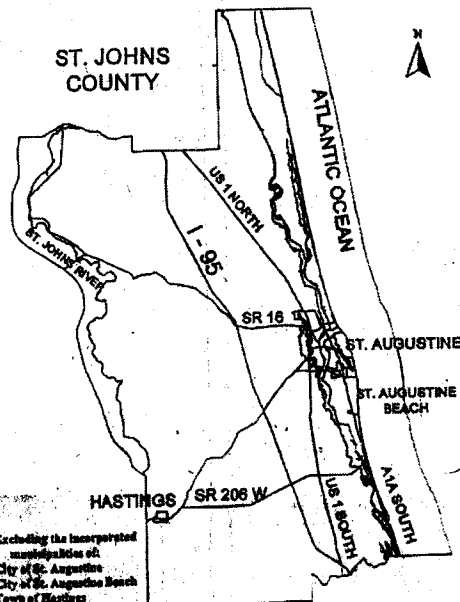
(Seal)

# NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/ REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, April 6, 2010 at 5:01 p.m. and Tuesday, May 18, 2010 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida will hold public hearings to consider adoption of the following proposed ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING ARTICLE XI - CONCURRENCY MANAGEMENT; AND APPENDIX A - ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING ARTICLE XI CONCURRENCY MANAGEMENT SPECIFICALLY PART 11.00.00 GENERAL PROVISIONS; PART 11.02.00 CONCURRENCY REVIEW SYSTEM; PART 11.03.00 DETERMINATION OF CONCURRENCY; PART 11.05.00 MEASUREMENT OF LEVEL OF SERVICE STANDARDS; AND PART 11.08.00 CONCURRENCY EXEMPTIONS; AND AMENDING APPENDIX A - ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.



If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Excluding the incorporated municipalities of:  
City of St. Augustine  
City of St. Augustine Beach  
Town of Hastings

That portion of the Town of Marineland within St. Johns County

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk

# The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement being a **DISPLAY AD**

In/the matter of **NOTICE OF PUBLIC HEARINGS**

published in said newspaper **MAY 7, 2010**

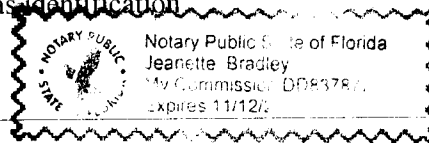
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Sworn to and subscribed before me this 10TH day of **MAY 2010**

by Ulinda E Verstraate who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification



(Signature of Notary Public)  
JEANETTE BRADLEY



(Seal)

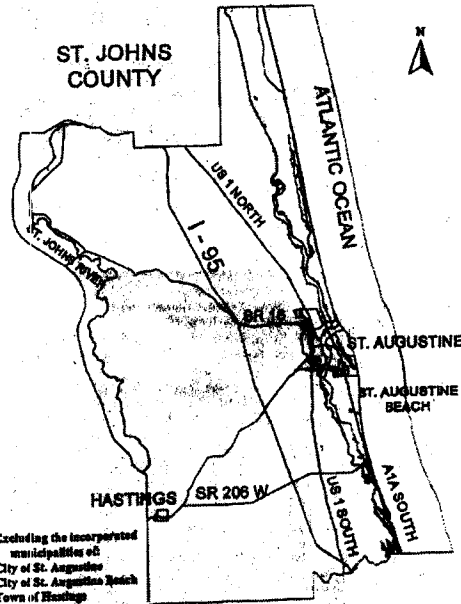
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City of St. Augustine Beach  
Town of Hastings

That portion of the Town of Marlborough within St. Johns County

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**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk**



**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

**DAWN K. ROBERTS**  
Interim Secretary of State

May 25, 2010

Ms. Cheryl Strickland  
Secretary  
St. Johns County Board of County Commissioners  
500 Sebastian View  
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 21, 2010 and certified copies for St. Johns County Ordinance Nos. 2010-16 through 2010-18, which were filed in this office on May 24, 2010.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

FILED  
2010 JUN -2 AM 11:03  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dis.dos.state.fl.us>

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STATE ARCHIVES OF FLORIDA  
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ADMINISTRATIVE CODE AND WEEKLY  
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