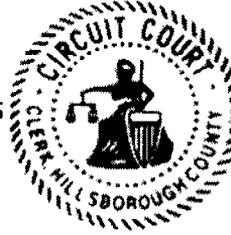


ORDINANCE

06-4

PAT FRANK

Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

February 15, 2006

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

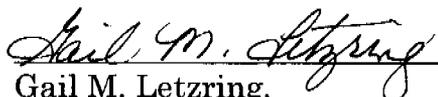
Re: Ordinance #06-4
Establishing the Belmont Community Development District

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #06-4 which was adopted by the Board of County Commissioners on February 7, 2006. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of February 10, 2006.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,



Gail M. Letzring,
Manager, BOCC Records

jg

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Ellen Leonard, Legal Advisor, Sheriff's Office
Librarian, State Attorney's Office
Sandra Davidson, County Attorney's Office
Nancy Takemori, Assistant County Attorney
Tracy Waters, Property Appraiser's Office



Agenda Item Cover Sheet

Agenda Item N^o CDD 06-0166

Meeting Date February 7, 2006

Consent Section

Regular Section

Public Hearing

Subject: CDD 06-0166 Petition to Establish Belmont CDD

Department Name: Planning & Growth Management Department, Community Planning Section

Contact Person: Joe Incorvia, AICP Contact Phone: 276-8455

Sign-Off Approvals:

[Signature] 1-31-06
Assistant County Administrator Date

[Signature] 1/27/06
Department Director Date

[Signature] 1/27/06
Management and Budget - Approved as to Financial Impact Agency Date

[Signature] 1/30/06
County Attorney - Approved as to Legal Sufficiency Date

STAFF'S RECOMMENDED BOARD MOTION:

Establish the Belmont Community Development District (CDD) in accordance with the attached ordinance subject to any changes by the County Attorney's Office.

Financial Impact Statement:

No direct financial impact to the County will occur as a result of this petition. Approximately 52% of the infrastructure costs and bonds will be retired directly by the developer. The petitioner intends to finance the remaining 48% of community infrastructure and services through special or non-ad valorem assessment bonds. Repayment of these bonds will be through homeowner assessments that will be paid annually to the District.

BACKGROUND:

On November 1, 2005, Belmont Development, LLC (hereinafter referred to as the petitioner) petitioned Hillsborough County to establish the Belmont Community Development District (CDD). The authorized agent is Jonathan T. Johnson, Hopping Green & Sams. The petitioner proposes to establish the Belmont CDD on an 885 acres site generally located on the east side of I-75 in southeastern Hillsborough County on land formerly known as the Diehl property.

The Belmont CDD is a residential mixed-use Planned Development containing 1,640 single-family and 414 townhome units for a total of 2,054 dwelling units (see Attachment #1). The site is currently undeveloped, except for the commercial farming facilities and associated residences. The attached vicinity map (see Attachment #2) and an aerial photograph (see Attachment #3) show the general location of the site within Hillsborough County. The Belmont CDD is to provide infrastructure, services and facilities along with certain ongoing operations and maintenance for the 885 acres Belmont Subdivision. The development was approved by the Board of County Commissioners through rezoning 04-0558. The proposed CDD includes all of the lands identified in the subdivision which received Preliminary Plat approval October 27, 2005. Construction Plans have been submitted to the County and are currently under review. The northern portion of the subdivision, which includes the community park (parcel C-1), community school (parcel C-2) and land to be utilized for commercial uses (parcel G), is excluded from the CDD.

The total infrastructure cost estimate for the Belmont CDD is \$41.931 million and will fund the roadways/streetlights, stormwater, landscape/security and professional services and fees, and contingency for the project (see Infrastructure Cost Estimate Assessment Analysis below).

List Attachments: Location Map, Site Plan, Aerial Photograph, Zoning Map, Future Land Use Map, Agency Comments, Draft, Ordinance and Notice, Supplemental Information,

06-4

ORDINANCE NO. ~~06-4~~

AN ORDINANCE ESTABLISHING THE BELMONT COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2005); SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Belmont, LLC ("Petitioner"), a Florida Limited Liability Company having obtained written consent to the establishment of the Belmont Community Development District ("District") by the owner of one hundred percent (100%) of the real property to be included in the District, has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Belmont Community Development District pursuant to Chapter 190, Fla. Stat, and designating the real property described in Exhibit A, attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit A, which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, all interested persons and affected units of general-purpose local

government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing on February 7, 2006, in accordance with Section 190.005(1) (d), Fla. Stat.; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005 (1) (e), Fla. Stat.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA THIS 7th DAY OF February, 2006 AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The County hereby finds and states that:

1. the “WHEREAS” clauses stated above are adopted as findings of fact in support of this Ordinance;
2. all statements contained in the Petition are true and correct;
3. the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County’s Comprehensive Plan;
4. the area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;
5. the creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;
6. the proposed community development services and facilities to be provided by

the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

7. the area that will be served by the District is amenable to separate, special-district government.

SECTION 2. CONCLUSIONS OF LAW.

1. This proceeding is governed by the Uniform Community Development District Act of 1980, Chapter 190, Fla. Stat.
2. The County has jurisdiction pursuant to Section 190.005 (2), Fla. Stat.; and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stat.

SECTION 3. CREATION, BOUNDARIES AND POWERS. There is hereby created a community development district situated entirely within unincorporated Hillsborough County, Florida, which District shall be known as the “Belmont Community Development District,” encompassing approximately 885 acres, the external boundaries of which are described in Exhibit A attached hereto, which shall exercise the powers of Section 190.011 and 190.012 (1), (2) (a) – (d) and (f), and (3), Fla. Stat., and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006 – 190.041, Fla. Stat., including the special powers provided by 190.012, Fla. Stat.

SECTION 4. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Steven E. Gamm, Keith Malcuit, Joseph Reagan, Norman Cook, and Judy Hull.

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, provision or other part of this Ordinance is held to be illegal or invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, PAT COLLIER FRANK, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of February 7, 2006 as the same appears of record in the Minute Book 357 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of February, 2006.



PAT COLLIER FRANK, CLERK

By:

Julene W. Gregory
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY *[Signature]*
Approved as to Form and Legal Sufficiency

EXHIBIT A

DIEHL PROPERTY COMMUNITY DEVELOPMENT DISTRICT PARCEL

DESCRIPTION: A parcel of land lying in Sections 13 and 24, Township 31 South, Range 19 East, and in Section 19, Township 31 South, Range 20 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 19, run thence along the East boundary of the Northeast 1/4 of said Section 19, S.00°21'07"W., 1420.11 feet; thence N.89°38'25"W., 50.00 feet to a point on the West right-of-way line of U.S. HIGHWAY No. 301, said point also being the **POINT OF BEGINNING**; thence along said West right-of-way line, the following two (2) courses: 1) along a line lying 50.00 feet West of and parallel with the aforesaid East boundary of the Northeast 1/4 of said Section 19, S.00°21'07"W., 1272.87 feet; 2) thence along a line lying 50.00 feet West of and parallel with the East boundary of the Southeast 1/4 of said Section 19, S.00°21'30"W., 99.20 feet to a point of cusp; thence Northwesterly, 48.89 feet along the arc of a curve to the left having a radius of 31.00 feet and a central angle of 90°21'30" (chord bearing N.44°49'15"W., 43.98 feet) to a point of tangency; thence WEST, 901.06 feet; thence S.00°45'10"W., 220.92 feet to a point on the South boundary of the North 1/4 of the Northeast 1/4 of said Southeast 1/4 of Section 19; thence along said South boundary of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 19, S.87°54'50"E., 33.77 feet; thence S.00°21'30"W., 350.43 feet; thence EAST, 900.02 feet to a point on the aforesaid West right-of-way line of U.S. HIGHWAY No. 301; thence along said West right-of-way line, lying 50.00 feet West of and parallel with the aforesaid East boundary of the Southeast 1/4 of Section 19, S.00°21'30"W., 1942.75 feet to a point on the South boundary of said Southeast 1/4 of Section 19; thence along said South boundary of the Southeast 1/4 of Section 19, N.88°34'11"W., 2616.13 feet to the Southeast corner of the Southwest 1/4 of said Section 19; thence along the South boundary of said Southwest 1/4 of Section 19, N.88°36'16"W., 2665.99 feet to the Southeast corner of the aforesaid Section 24; thence along the South boundary of the Southeast 1/4 of said Section 24, N.89°50'56"W., 2675.21 feet to the Southeast corner of the Southwest 1/4 of said Section 24; thence along the South boundary of said Southwest 1/4 of Section 24, N.89°51'20"W., 2520.83 feet to a point on the Easterly limited access right-of-way line of

INTERSTATE HIGHWAY No. 75 (STATE ROAD No. 93-A), as recorded in Official Records Book 3307, Page 1132, of the Public Records of Hillsborough County, Florida; thence along said Easterly limited access right-of-way line, the following three (3) courses: 1) N.33°06'17"E., 858.73 feet to a point of curvature; 2) Northeasterly, 3453.18 feet along the arc of a curve to the left having a radius of 11589.16 feet and a central angle of 17°04'20" (chord bearing N.24°34'07"E., 3440.42 feet) to a point of tangency; 3) N.16°01'57"E., 1517.18 feet to a point on the North boundary of the Northwest 1/4 of the aforesaid Section 24; thence along said North boundary of the Northwest 1/4 of Section 24, S.89°47'41"E., 231.56 feet to the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 24; thence along the North boundary of said Northwest 1/4 of the Northeast 1/4 of Section 24, S.89°40'18"E., 167.44 feet; thence along the West boundary of the East 7/8 of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 13; N.00°22'13"E., 1297.72 feet to a point on the North boundary of said Southwest 1/4 of the Southeast 1/4 of Section 13; thence along said North boundary of the Southwest 1/4 of the Southeast 1/4 of Section 13; S.89°23'24"E., 1171.92 feet to the Northeast corner thereof; thence along the East boundary of said Southwest 1/4 of the Southeast 1/4 of Section 13, S.00°21'50"W., 1289.23 feet to the Northeast corner of the aforesaid Northwest 1/4 of the Northeast 1/4 of Section 24; thence along the East boundary of said Northwest 1/4 of the Northeast 1/4 of Section 24, S.00°21'16"W., 1327.14 feet to the Northwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 24; thence along the North boundary of said Southeast 1/4 of the Northeast 1/4 of Section 24, S.89°47'34"E., 1339.34 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of the aforesaid Section 19; thence along the North boundary of said Southwest 1/4 of the Northwest 1/4 of Section 19, S.87°15'43"E., 1384.16 feet to the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 19; thence along the West boundary of said Southeast 1/4 of the Northwest 1/4 of said Section 19, S.00°26'46"W., 166.35 feet; thence S.89°38'57"E., 377.77 feet; thence S.36°38'43"W., 464.37 feet to a point on a curve; thence Southeasterly, 325.77 feet along the arc of a curve to the left having a radius of 1157.00 feet and a central angle of 16°07'56" (chord bearing S.38°56'02"E., 324.69 feet) to a point of tangency; thence S.47°00'00"E., 288.00 feet to a point of curvature; thence Southeasterly, 345.22 feet along the arc of a curve

to the right having a radius of 3043.00 feet and a central angle of $06^{\circ}30'00''$ (chord bearing $S.43^{\circ}45'00''E.$, 345.03 feet) to a point of tangency; thence $S.40^{\circ}30'00''E.$, 620.94 feet to a point on a curve; thence Northeasterly, 497.49 feet along the arc of a curve to the right having a radius of 2212.00 feet and a central angle of $12^{\circ}53'10''$ (chord bearing $N.57^{\circ}03'25''E.$, 496.44 feet); thence $N.26^{\circ}30'00''W.$, 1112.84 feet; thence $N.46^{\circ}19'00''E.$, 120.47 feet; thence EAST, 172.45 feet; thence NORTH, 339.30 feet; thence $S.89^{\circ}38'57''E.$, 634.48 feet; thence $S.89^{\circ}38'25''E.$, 1797.48 feet to the POINT OF BEGINNING.

Containing 885.816 acres, more or less.

BHC-DP-015

P:\Diehl Property\DIEHL-CDD-DS

JMG

Revised: JMG

Revised: JMG

Revised: JMG

July 25, 2005

September 19, 2005

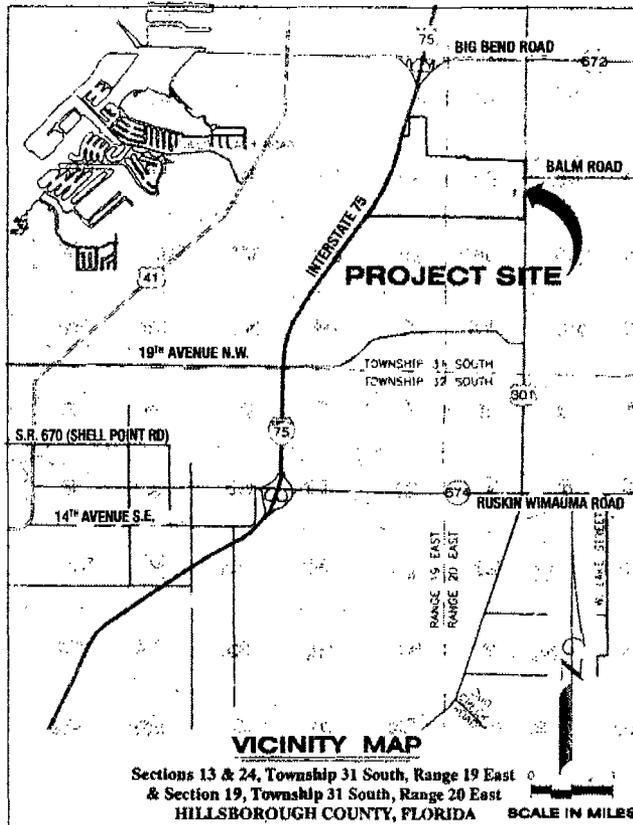
September 21, 2005

October 3, 2005

NOTICE OF PUBLIC HEARING

Board of County Commissioners of Hillsborough County, Florida, to Consider
Ordinance for the Establishment of the Belmont Community Development District

Date: February 7, 2006
Time: 1:30 p.m.
Location: Hillsborough County, County Center
601 E. Kennedy Street, Second Floor
Tampa, Florida 33602



Interested persons are advised that a public hearing will be held on the 7th day of February, 2006, at 1:30 p.m. at the Hillsborough County, County Center, 601 E. Kennedy Street, Second Floor, Tampa, Florida 33602 before the Board of County Commissioners for Hillsborough County, Florida to consider the elements of a Petition filed by Belmont, LLC ("Petitioner"), to establish a community development district to be known as the Belmont Community Development District ("District"), as authorized and provided for in Chapter 190, Florida Statutes. A copy of the Petition is on file and available for public inspection and/or copying at the Board of County Commissioners Records, 601 E. Kennedy Street, 12th Floor, Tampa, Florida 33602, between the hours of 8:00 a.m. and 5:00 p.m. except on weekends and holidays.

The information presented at this hearing will be used to afford the Petitioner, Landowners, any affected units of local government, and the general public, a fair and adequate opportunity to appear and present oral and written comments regarding the establishment of the District. If adopted, the ordinance will establish the Belmont Community Development District, name its initial Board of Supervisors and designate the land to be serviced by the District.

The land area proposed to be served by the District is located east of I-75, west of U.S. Highway 301, and south of Big Bend Road in Hillsborough County. The District will comprise approximately 885 acres of land. The location of the lands proposed to be served by the District are set forth in the map depicted in this notice. The Petitioner has proposed that the District will construct or acquire certain infrastructure improvements in order to serve the property within the District.

By way of information, a community development district is a local unit of special purpose government authorized by statute to ensure the provision of infrastructure to serve community developments subject to state and local regulatory requirements governing the lawful use and development of the property. Establishment of a district pursuant to Chapter 190, Florida Statutes, is not a development order under Chapter 380, Florida Statutes. All planning, permitting and other regulatory requirements pertaining to development within the land area will be in accordance with general and special law, and the Hillsborough County Comprehensive Plan.

The Board will comply with section 190.005(2), Florida Statutes, in conducting the public hearing on whether to establish the District by ordinance. The purpose of this hearing is to consider the relationship of the petition as submitted by the Petitioner to the six factors listed in section 190.005(1)(e), Florida Statutes.

A statement of estimated regulatory costs ("SERC") was prepared by Rizzetta & Company, Inc., in accordance with section 120.541, Florida Statutes, as required by section 190.005, Florida Statutes. The complete text of the SERC is contained as Exhibit 7 to the Petition. By way of summary, the SERC estimates that the principal entities likely to be affected by the ordinance are the State of Florida, Hillsborough County, Florida, and the District, and describes the type of individuals most affected by the ordinance as the landowners within the District. The SERC estimates that establishment and enforcement costs to the above-described entities will be modest and are concurrently budgeted or not burdensome; and, that there will be little to no effect on state and local revenues from the establishment of the District. Further, the SERC estimates that certain development-related transactional costs incurred would occur regardless of whether the District was established and are voluntarily assumed if at all by and through individuals or entities owning or purchasing property in the District. Finally, the SERC concludes that the establishment's affect on small business will be minimal or positive and that Hillsborough County is neither a small city nor county as defined by section 120.52, Florida Statutes.

At the above-referenced public hearing, the Board of County Commissioners will consider the adoption of the following ordinance:

An ordinance by the County Commission of Hillsborough County, Florida establishing the Belmont Community Development District; naming the District; describing the external boundaries of the District; describing the functions and powers of the District; naming the initial members of the District's Board of Supervisors; providing a severability clause; and providing and effective date.

Interested persons are advised that, if a person decides to appeal any decision made by the County Commission with respect to any matter considered at a hearing, he or she will need a record of the proceedings, and that, for such purpose, he or 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.

PAT FRANK

Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

February 9, 2006

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #06-4
Establishing the Belmont Community Development District

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #06-4, adopted by the Board of County Commissioners on February 7, 2006. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

By: Gail M. Letzring
Gail M. Letzring,
Manager, BOCC Records

jpg
Attachment
8499 1032 2300 0215



FedEx Tracking Number

8499 1032 2300



1 From *Please print and press hard.*

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Company CLERK CIRCUIT COURT 12TH FL

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TAMPA FL 33602

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City TAMPA State FL ZIP 33602-3503

2 Your Internal Billing Reference ORD 06-4 belmont cdd

First 24 characters will appear on invoice.

3 To

Recipient's Name LIZ CLOUD PROGRAM ADMIN

FLORIDA DEPARTMENT OF STATE

R A GRAY BLDG

Company 500 S BRONOUGH STREET ROOM 101

TALLAHASSEE FL 32399-0250

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No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice Dry Ice, 9 UN 1845 x _____ kg Cargo Aircraft Only

Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging.

7 Payment *Bill to:* Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

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Credit Card No. _____

Total Packages	Total Weight	Total Declared Value ¹
		\$ _____ .00

¹Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

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By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

466

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FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

February 10, 2006

Gail M. Letzring, Manager-BOCC Records
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110, 12th Floor
Tampa, Florida 33601

Dear Ms. Letzring:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 9, 2006 and certified copy of Hillsborough County Ordinance No. 06-4, which was filed in this office on February 10, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

RECEIVED
2006 FEB 15 PM 2:53
CLERK TO
THE BOARD (D)

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
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