

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida**

TWIN LAKES CAMP RESORT,

Petitioner,

DOAH CASE NO.: 15-6135

DOT CASE NO.: 15-051

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

FINAL ORDER

This proceeding was initiated by a Request for Administrative Hearing filed on June 11, 2015, by Petitioner, Twin Lakes Camp Resort (“Twin Lakes”). The Request was filed in response to a Notice of Violation - Illegally Erected Sign (Notice No. 1606), issued by Respondent, Florida Department of Transportation (“Department”), on June 3, 2015, and a Notice of Denied Outdoor Advertising Permit Application (Application Nos. 61499/61500), issued by the Department on June 4, 2015. On October 30, 2015, the Department referred the matter to the Division of Administrative Hearings (“DOAH”). Before the matter could be heard, the parties entered into a Stipulation of Settlement resolving all issues.

FINDINGS OF FACT

1. Twin Lakes operates a business at 580 Holley King Road, Defuniak Springs, FL 32433. This business is located outside an incorporated area and is not visible from the road junction with the State Highway System.

2. On April 1, 2015, the Department issued Twin Lakes a Letter of Concern (Tracking No. 7136) regarding an outdoor advertising sign (the "Sign") owned by Twin Lakes, located on SR 167 (RCI Section 60060000) in Walton County, Florida. The Letter of Concern stated that the Sign did not possess the required Department permit and provided Twin Lakes with 30 days to bring the Sign into compliance.

3. On May 11, 2015, Twin Lakes filed an Application for Outdoor Advertising Permit with the Department regarding the Sign. On June 4, 2015, the Department issued Twin Lakes a Notice of Denied Outdoor Advertising Permit Application (the "Denial"), as the Sign is less than 15 feet off the state right-of-way, the location is not permissible under land use designations, and as no stake/markings were found in the location specified in the application.

4. On June 3, 2015, the Department issued Twin Lakes a Notice of Violation - Illegally Erected Sign (Notice No. 1606; the "Notice") regarding the Sign. The Sign had not been issued the required permit and is in violation of section 479.105, Florida Statutes. The Notice directed that the Sign be removed within 30 days.

5. On June 11, 2015, the Department received a Request for Administrative Hearing regarding the Denial and Notice, alleging grounds on which the Sign should be issued a Department permit and not be removed. This Request was assigned DOT Case No. 15-051.

6. On July 6, 2015 the Department referred DOT Case No. 15-051 to the Division of Administrative Hearings ("DOAH") to arrange a formal administrative hearing. This matter was assigned DOAH Case No. 15-6135.

7. Prior to hearing, the Department and Twin Lakes entered into the attached Stipulation of Settlement to resolve this matter.

8. By executing the Stipulation of Settlement, Twin Lakes has withdrawn its hearing request.

CONCLUSIONS OF LAW

A. On December 29, 2015, DOAH closed DOAH Case No. 15-6135 and relinquished jurisdiction to the Department.

B. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to chapters 120 and 479, Florida Statutes, and chapters 14-10 and 28-106, Florida Administrative Code.

ORDER

Based on the above Findings of Fact and Conclusions of Law, it is

ORDERED that the attached Stipulation of Settlement is approved. It is further


ORDERED that no later than February 29, 2016, Twin Lakes Camp Resort shall remove the Sign, or cause the Sign to be removed, at no cost to the Department. It is further

ORDERED that if the Sign is not removed by February 29, 2016, the Department will remove the Sign and assess all costs of removal against Twin Lakes Camp Resort, pursuant to section 479.105, Florida Statutes. It is further

ORDERED that following removal of the Sign, Twin Lakes Camp Resort may erect a sign in accordance with section 479.16, Florida Statutes (a "Directional Sign"). As provided in section 479.16, Florida Statutes, such a Directional Sign must comply with the requirements of section 479.11(4)-(8), Florida Statutes, including the requirement that the Directional Sign not be located on the Department right-of-way. It is further

ORDERED that the Request for Administrative Hearing filed by Twin Lakes Camp Resort
is **DISMISSED**.

DONE and **ORDERED** this 17th day of January, 2016.



Jim Boxold
Secretary
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida 32399

FILED D.O.T. CLERK
2016 JAN 11 AM 9:59

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

Copies furnished to:

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