

FILED FOR RECORD
R. B. SHORE

2010 JUN 18 PDR-05-60(Z)(P) – NAP DUKE RANCH, LLC, MML I, LLC, AND PGCI I, LLC / SILVERLEAF
DTS #20050460

CLERK OF THE DISTRICT COURT
MANATEE COUNTY, FLORIDA

2010 JUN 18 AM 10:18
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT
AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE
MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING
WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF
APPROXIMATELY 263.35 ACRES AT THE NORTHWEST CORNER OF OLD
TAMPA ROAD AND CHIN ROAD FROM A/NCO (GENERAL
AGRICULTURAL/NORTH CENTRAL OVERLAY) TO THE PDR/NCO
(PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, RETAINING
THE NORTH CENTRAL OVERLAY; APPROVING A PRELIMINARY SITE PLAN
FOR 713 SINGLE-FAMILY DETACHED UNITS; SUBJECT TO STIPULATIONS
AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING
A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING
AN EFFECTIVE DATE.

WHEREAS, NAP Duke Ranch, LLC, MML I, LLC, and PGCI I, LLC (the "Applicant") filed an application to rezone approximately 263.35 acres described in Exhibit "A", attached hereto, (the "property") from A/NCO (Suburban Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the North Central Overlay; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 713 single-family detached units (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project: 1) exceeding 2 dwelling units per acre in the RES-3 Future Land Use Category; and 2) exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 714.8.7, 604.10.3.5 and 907.9.4.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on May 21, 2009 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations contained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the North Central Overlay.

B. The Board of County Commissioners held duly noticed public hearings on June 4, 2009, June 23, 2009, August 6, 2009, October 1, 2009, November 17, 2009, December 15, 2009, January 26, 2010, March 4, 2010, April 13, 2010, and June 3, 2010 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance 89-01, the 2020 Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree for the 1,810 foot cul-de-sac because vehicles will be able to turn around at the midpoint.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.5, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree with the 20 ft. width buffer because open spaces along the road provide additional buffering and a 20 ft roadway buffer is the required size buffer for a thoroughfare roadway that is not located in the North County Overlay District.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree because the required number of trees and canopy will be provided.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 713 single-family detached units upon the property subject to the following Stipulations:

STIPULATIONS

A. TRANSPORTATION CONDITIONS:

1. Future Harrison Ranch Blvd shall be designed with two easternmost lanes of a future 4 lane divided roadway to county standards between US 301 and Old Tampa Road, including bike lanes and sidewalks on one side. Utilities shall be installed adjacent to the easternmost lanes as constructed by Applicant.
2. The inter-neighborhood tie west to the existing 35th Street East shall have a gate for emergency vehicular and pedestrian access only.

B. INFRASTRUCTURE CONDITIONS:

1. Prior to issuance of a Building Permit for the 100th unit, a second means of access shall be constructed and approved to Manatee County Transportation Department Standards.
2. The proposed private internal residential streets shall be constructed to 50' R/W, 24' of paved roadway width, 2' curb and gutter on both sides with 5' sidewalk located on one side and shall meet the design of Manatee County Transportation Standard Detail 401.8 with the exception of the proposed internal boulevard of 120' R/W, which shall be constructed in accordance with Stipulation A.1 hereof.

C. STORMWATER CONDITIONS:

1. The engineer of record will have the option of submitting a separate watershed analysis that would demonstrate an alternative stormwater design that would create no adverse impacts to the watershed or demonstrate up to a 50% peak rate reduction for the project. If the watershed approach is utilized, it shall study the downstream system to the confluence with the Manatee River. If the EOR chooses the peak rate reduction option, the reduction shall only apply to the internal subdivision roadway systems and the residential lots. Over-attenuation is not required on open space areas, upland preservation areas, wetlands and their buffers, landscape buffers. Attenuation is not required on the stormwater flows that discharge onto and through this property from adjacent roadways and subdivisions. Also, since the developer will be constructing the stormwater system to accommodate the full, future build-out of Harrison Ranch Boulevard for the County, over-attenuation is not required for the Harrison Ranch Boulevard right-of-way.
2. Required roadway widening improvements to accommodate acceleration and deceleration lanes at project entrances on Chin Road and/or Old Tampa Road shall require that the road side ditch(es) be piped within the limits of proposed roadway

widening. Piping of the ditches is not required for diminimus improvements that do not affect the existing roadside ditches, such as adding a sidewalk or other similar improvements.

3. The developer shall design, permit and construct the stormwater capacity for the future Harrison Ranch Boulevard Extension (four lanes divided) roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation. Developer shall receive impact fee credits for an easement to accommodate the stormwater capacity created.
4. A Drainage Maintenance, Utility, and Access Easement Tract Plan shall be submitted with the final site/construction plan for natural systems and relocated drainage conveyance systems and shall be approved by the Public Works Department.
5. There shall be a minimum of ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, etc.) and structures alongside adjoining houses with 5-foot side yard setbacks Exhibit "C".

D. BUFFERS:

1. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.

E. ENVIRONMENTAL CONDITIONS:

1. The upland preservation area shall be as shown on Exhibit "B" entered into the record and further defined on the Final Site Plan and dedicated to the County by Conservation Easement.
2. No construction is proposed or authorized by this approval within 660' of the offsite eagle's nest, in accordance with the current U.S. Fish & Wildlife Service's Eagle Management guidelines. Any proposed construction within this protection zone will require any required federal and state permits be obtained.
3. An ERP approved by SWFWMD shall be provided to the Natural Resources Department for review prior to Final Site Plan approval.
4. Landscape plant species, including street tree varieties, shown on the Preliminary Site Plan are not approved at this time and shall be reviewed for consistency with the Land Development Code at the time of Final Site Plan. Approval of street tree species shall be dependent upon the site design, lot size, and building envelopes in order to have sufficient room to thrive and reduce the potential for impacts to infrastructure and utilities.

F. DESIGN CONDITIONS:

1. Based on the revisions shown to the upland habitat presentation area, and the staff suggested impacts to the degraded wetlands in Exhibit "B", the applicant shall be entitled to add up to twenty-four (24) additional lots at time of the Final Site Plan without further Board action or modification to the PSP. These additional units are included within the 713 approved for this project.
2. Based on the staff suggested reduction in the required roadway buffer (from 50 ft. to 20 ft.), in addition to the flexibility to allow smaller units sizes and setbacks, the applicant shall be entitled to add up to seventy-nine (79) additional lots at time of the Final Site Plan without further Board action or modification to the PSP. These additional units are included within the 713 approved for this project.
3. The maximum lot count shall not exceed 713 lots without further Board approval of a revised preliminary site plan.

Section 3. SPECIFIC AND SPECIAL APPROVALS. Specific Approval is hereby granted for alternatives to Sections 714.8.7, 907.9.4.2 and 604.10.3.5 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is hereby granted for a project: 1) exceeding 2 dwelling units per acre in the RES-3 Future Land Use Category; and 2) exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance 90-01, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit "A" herein from A/NCO (Suburban Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the North Central Overlay District and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to §125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of June, 2010.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Carol Whitmore, First Vice-Chairman

ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION Parcel #726820009 (prepared by certifying surveyor):

A tract of land lying in Section 1, Township 34 South, Range 18 East, and Section 6, Township 34 South, Range 19 East, Manatee County, Florida and described as follows:

BEGIN at a 4-inch by 4-inch concrete monument found at the south 1/4 corner of said Section 1 and referenced in Florida Department of Environmental Protection Certified Corner Reference document #27800; thence N.00°02'09"E. along the east line of the west 1/2 of said Section 1, also along the east line of the 330-foot-wide Florida Power and Light easement recorded in Official Records Book 497, Pages 282-283 of the Public Records of Manatee County, Florida, a distance of 2,986.67 feet to the southwest corner of the tract of land recorded in Official Records Book 1656, Page 7239 of said Public Records; thence S.89°57'22"E. along the south line of said tract of land recorded in Official Records Book 1656, Page 7239, a distance of 399.98 feet; thence N.00°01'53"E. along the east line of said tract of land recorded in Official Records Book 1656, Page 7239, a distance of 728.99 feet to the southeasterly right-of-way line of U.S. Highway 301, also known as State Road 43 (150-foot-wide public right-of-way as recorded in Florida State Road Department Right-of-Way Map Section No. 1302-(104) 202); (the following two calls are along said southeasterly right-of-way line of U.S. Highway 301): (1) thence N.60°14'12"E., a distance of 47.48 feet; (2) thence N.60°16'12"E., a distance of 249.55 feet; thence S.29°43'48"E., a distance of 339.86 feet to the beginning of a non-tangent curve to the right, of which the radius point lies S.44°04'33"E., a radial distance of 1,150.00 feet; thence northeasterly along the arc of said curve, through a central angle of 30°34'31", an arc length of 613.69 feet to the end of said curve; thence S.89°32'37"E. along a line not tangent to the previously described curve, a distance of 62.75 feet; thence N.67°03'57"E., a distance of 93.71 feet to the point of curvature of a curve to the right having a radius of 35.00 feet and a central angle of 98°53'29"; thence southeasterly along the arc of said curve, an arc length of 60.41 feet to the point of tangency of said curve; thence S.14°02'34"E., a distance of 101.61 feet; thence S.15°47'30"W., a distance of 98.69 feet; thence S.31°03'54"W., a distance of 149.79 feet; thence S.89°51'35"E., a distance of 253.60 feet; thence N.00°00'00"W., a distance of 300.88 feet to the point of curvature of a curve to the left having a radius of 790.00 feet and a central angle of 29°43'48"; thence northerly along the arc of said curve, an arc length of 409.92 feet to the point of tangency of said curve; thence N.29°43'48"W., a distance of 100.00 feet to the point of curvature of a curve to the left having a radius of 50.00 feet and a central angle of 90°00'00"; thence westerly along the arc of said curve, an arc length of 78.54 feet to the end of said curve, also being a point on the aforementioned southeasterly right-of-way line of U.S. Highway 301, also known as State Road 43 (150-foot wide public right-of-way); thence N.60°16'12"E. along a line not tangent to the previous described curve, also along said southeasterly right-of-way line, a distance of 220.00 feet to the beginning of a non-tangent curve to the left, of which the radius point lies S.29°43'48"E., a radial distance of 50.00 feet; thence southerly along the arc of said curve, through a central angle of 90°00'00", an arc length of 78.54 feet to the point of tangency of said curve; thence S.29°43'48"E., a distance of 100.00 feet to the point of curvature of a curve to the right having a radius of 910.00 feet and a central angle of 29°43'48"; thence southerly along the arc of said curve, an arc length of 472.18 feet to the point

of tangency of said curve; thence S.00°00'00"W., a distance of 301.18 feet; thence S.89°51'35"E., a distance of 670.89 feet; thence N.45°08'25"E., a distance of 212.19 feet to the west line of the northwest 1/4 of the aforementioned Section 6; thence N.00°08'25"E. along the west line of said Section 6, a distance of 362.45 feet to the north line of the southwest 1/4 of the northwest 1/4 of said Section 6; thence S.89°20'56"E. along said north line of the southwest 1/4 of the northwest 1/4, a distance of 1,307.26 feet to the west maintained right-of-way line of Chin Road (variable width public right-of-way) as recorded in Manatee County Road Plat Book 1, Page 105 and in accordance with the Boundary Line Agreement recorded in Official Records Book 1731, Page 1952 of the aforementioned Public Records; thence S.00°03'54"E. along said west maintained right-of-way line of Chin Road, a distance of 1,899.42 feet to the intersection of said west maintained right-of-way line of Chin Road and the north right-of-way line of Old Tampa Road (84-foot-wide public right-of-way in this location) as recorded in Official Records Book 1190, Pages 1916-1920, also as recorded in Official Records Book 1947, Pages 5714-5716 both of the aforementioned Public Records; (the following two calls are along said north right-of-way of Old Tampa Road): (1) thence N.89°12'20"W., a distance of 206.60 feet to the point of curvature of a curve to the left having a radius of 442.00 feet and a central angle of 20°13'11"; (2) thence westerly along the arc of said curve, an arc length of 155.98 feet to the end of said curve; thence N.04°44'15"W. along a line not tangent to the previously described curve, a distance of 244.27 feet; thence S.82°56'36"W., a distance of 830.89 feet; thence S.45°07'06"W., a distance of 1,003.20 feet; thence S.06°46'03"E., a distance of 707.18 feet to the northwesterly maintained right-of-way of Old Tampa Road (variable width public right-of-way as recorded in Official Records Book 1947, Pages 5701-5704 of said Public Records); (the following 18 calls are along said northwesterly maintained right-of-way of Old Tampa Road): (1) thence S.49°47'07"W., a distance of 185.49 feet; (2) thence S.48°04'06"W., a distance of 36.86 feet; (3) thence S.49°16'09"W., a distance of 97.02 feet; (4) thence S.49°58'55"W., a distance of 111.82 feet; (5) thence S.50°02'28"W., a distance of 123.71 feet; (6) thence S.57°33'53"W., a distance of 77.56 feet; (7) thence S.58°22'24"W., a distance of 119.05 feet; (8) thence S.57°41'29"W., a distance of 73.83 feet; (9) thence S.56°39'17"W., a distance of 110.53 feet; (10) thence S.58°32'05"W., a distance of 90.70 feet; (11) thence S.62°21'39"W., a distance of 106.25 feet; (12) thence S.60°26'20"W., a distance of 99.45 feet; (13) thence S.65°24'13"W., a distance of 98.62 feet; (14) thence S.66°33'03"W., a distance of 75.14 feet; (15) thence S.73°21'31"W., a distance of 127.68 feet; (16) thence S.78°14'38"W., a distance of 100.56 feet; (17) thence S.80°40'02"W., a distance of 100.90 feet; (18) thence S.85°14'18"W., a distance of 83.46 feet to the south line of the southeast 1/4 of the aforementioned Section 1; thence N.89°24'21"W. along said south line of the southeast 1/4 of Section 1, a distance of 585.80 feet to the POINT OF BEGINNING.

Said tract contains 10,458,727 square feet or 240.0993 acres, more or less.

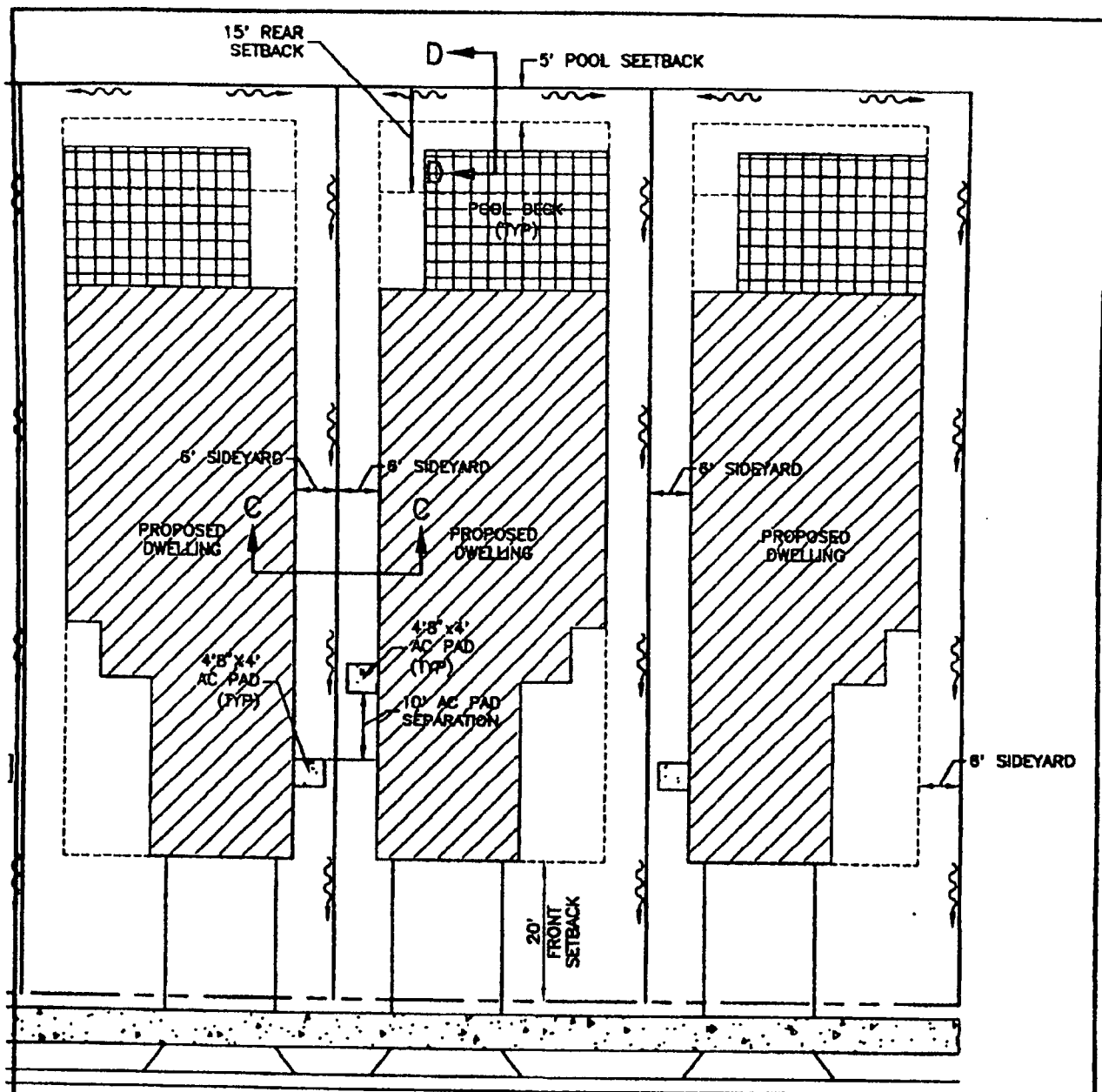
DESCRIPTION (from Title Commitment):

That part of the Northwest 1/4 of the Northwest 1/4 of Section 6, Township 34 South, Range 19 East, Manatee County, Florida, lying South of the Southerly Right-of-Way line of U.S. Highway 301, being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of the Northwest 1/4 of said Section 6; thence S 00°02'28" E, along the West line of said Northwest 1/4 of the Northwest 1/4, a distance of

420.21 feet to a point on the Southerly Right-of-Way line of U.S. Highway 301 as shown on the Florida Department of Transportation Right-of-Way map, Section No. 1302-(104)-202, said point being the Point of Beginning; thence continue S 00°02'28" E, along said West line, a distance of 954.38 feet to the Southwest corner of said Northwest 1/4 of the Northwest 1/4; thence S 89°31'15" E, along the South line of said Northwest 1/4 of the Northwest 1/4, a distance of 1306.82 feet to a point on the monumented West Right-of-Way line of Chin Road; thence N 00°27'08" W, along said West Right-of-Way line, a distance of 973.64 feet; thence S 89°32'52" W, 38.67 feet; thence S 60°07'00" W, 487.42 feet to the point of curvature of a curve, concave to the North, having a radius of 100.00 feet; thence Westerly, along the arc of said curve, through a central angle of 90°00'00" (chord = 141.42 feet; chord bearing = N 74°53'00" W) 157.08 feet to the point of tangency of said curve; thence N 29°53'00" W, 50.00 feet; thence S 60°07'00" W, 20.00 feet; thence N 29°53'00" W, 80.00 feet; thence N 89°53'00" W, 132.79 feet; thence S 60°07'00" W, 77.00 feet; thence N 29°53'00" W, 325.00 feet to a point on the aforementioned Southerly Right-of-Way line, of U.S. Highway 301; thence S 60°07'00" W, along said Southerly Right-of-Way line, a distance of 298.00 feet to the Point of Beginning.





AC PAD DETAIL

Exhibit "C"

PROJECT:

CLIENT:

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

6800 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-9484 • Phone 941-557-0800 • Fax 941-557-0800 • Web Site www.wilsonmiller.com

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SCALE:	1" = 20'	DATE:	12/09
SHEET:	TYP. RUC	REV NO:	
PROJECT NO:	04284-001-000	INDEX NO:	04284-001X87
DRWG BY/CHK BY:	BPK/1879	SHEET NO:	1 of 1



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.
Witness my hand and official seal this 10th day of
June 2010
H. B. SHORE
Clerk of Circuit Court
By Glenn Voda D.C.

FILED FOR RECORD
R. B. SHORE



2010 JUN 23 PM 1:23

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
CHARLIE CRIST
Governor

FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 18, 2010

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 16, 2010 and certified copies of Manatee County Ordinance Nos. PDR-05-60 (Z) (P), PDMU-97-05 (P) (R4), PDMU-06-28(Z) (P) and Z-10-02, which were filed in this office on June 18, 2010.

As requested, one date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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