

Although the assertion regarding the effective date of 50-3 is not in dispute, the applicability of said section of the Code is.

Section 50-719(11)(d)(11) states, in relevant part:

*(11) Public notice requirement. In addition to any other notice requirements for a special exception contained within division 5 of article XIII, the extent of the notice required to be provided to surrounding property owners for an application for a special exception for a major mining operation shall be extended from 300 feet to two miles in the event that the proposed major mining operation includes blasting or 50 or more one-way truck trips per day. The additional cost incurred by providing notice beyond 300 feet shall be calculated and paid for by the applicant prior to the public hearing on the special exception to be held before the planning commission.*

Significantly, it should be noted that the procedural notice provisions set forth in Section 50-3 were adopted prior to the final approval of the Application. Thus, this Section, being procedural in nature and not substantive, is controlling as to the Application made but not yet approved. See, *Patronis v. United Insurance Company of America*, 299 So. 3d 1152, 1157 (1st DCA, 2020) citing *State Farm Mutual Ins. Co. v. Laforet*, 658 So. 2d 55, 61 (Fla. 1995). Also, (“a procedural or remedial statute is to operate retrospectively”), while “substantive” laws may not be applied retroactively if they abolish or curtail protected rights or impose unconstitutional obligations. See, *Maronda Homes, Inc. of Fla. v. Lakeview Reserve Homeowners Ass'n, Inc.*, 127 So. 3d 1258, 1272 (Fla. 2013).

14. While the Respondent asserts notice was mailed, the record evidence and exhibits submitted do not establish the requirement of **certified mail** was adhered to. Further, the exhibits of record which represent the public notices advertised in the newspaper did not contain the required language set forth in F.S. 286.0105. This court finds that Section 50-3, in addition to Sections 50-719 and 50-798 and F.S. 286.0105, are controlling. Thus,