

Section I
**Notice of Development of Proposed Rules
 and Negotiated Rulemaking**

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Technology

RULE NOS.: **RULE TITLES:**
 60GG-5.001 Purpose and Applicability; Definitions
 60GG-5.002 Enterprise Architecture

PURPOSE AND EFFECT: To update the rule chapter and create an enforceable and comprehensive enterprise architecture for all state agencies consistent with Chapter 2020-161, L.O.F.

SUBJECT AREA TO BE ADDRESSED: Development of enterprise architecture rules creating a comprehensive operational framework and unified information technology environment.

RULEMAKING AUTHORITY: 282.0051(6), F.S.

LAW IMPLEMENTED: 282.0051, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 13, 2021, 2:00 p.m. to 4:00 p.m., or until adjourned

PLACE: In person: R.A. Gray Building Auditorium, 500 S. Bronough Street, Tallahassee, FL 32399;

Online:

<https://ssrc.webex.com/ssrc/j.php?MTID=m727668017b51e372be4c0fb8a3b60eda>, Meeting

Number – 172 987 4790;

Phone: 1(855)244-8681 Call-in toll-free number, 1(650)479-3207 Call-in number, Access Code 172 987 4790.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Andrea Barber, Government Analyst, 4050 Esplanade Way, Tallahassee, Florida 32399, Andrea.Barber@dms.fl.gov, (850)901-6279. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andrea Barber, Government Analyst, 4050 Esplanade Way, Tallahassee, Florida 32399, Andrea.Barber@dms.fl.gov, (850)901-6279.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: **RULE TITLE:**
 62-42.300 Minimum Flows and Levels and Recovery
 and Prevention Strategies

PURPOSE AND EFFECT: This rule is being established pursuant to s. 373.042 and 373.0421, F.S. The rulemaking will establish minimum flows and levels for the upper and middle reaches of the Suwannee River and their associated priority springs, including four Outstanding Florida Springs. This will have the potential to impact consumptive use applicants and permittees within the Suwannee River and St. Johns River Water Management Districts.

SUBJECT AREA TO BE ADDRESSED: The rulemaking will address the minimum flows and levels for the upper and middle reaches of the Suwannee River, and their associated priority springs, including four Outstanding Florida Springs. The rule will also establish prevention or recovery strategies, if applicable, as required by s. 373.0421, F.S.

RULEMAKING AUTHORITY: 373.026(7), 373.036(1)(d), 373.042, 373.0421, 373.043, 373.171, F.S.

LAW IMPLEMENTED: 373.023, 373.026, 373.036(1)(d), 373.042, 373.0421, 373.086, 373.103, 373.171, 373.175, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 373.703, 403.064, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stefani Weeks, Stefani.Weeks@Floridadep.gov or (850)245-3139.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

RULE NO.: **RULE TITLE:**
 64-8.001 Penalties for COVID-19 Vaccine
 Documentation Requirements

PURPOSE AND EFFECT: In accordance with Chapter 2021-008, Laws of Florida, this rule establishes definitions and penalties for the violation of section 381.00316, Florida Statutes, by any business entity, governmental entity, or educational institution that requires documentation of COVID-19 vaccination or post-infection recovery from COVID-19.

SUBJECT AREA TO BE ADDRESSED: Penalties for requirements to provide COVID-19 vaccine documentation

RULEMAKING AUTHORITY: 381.00316(6) FS

LAW IMPLEMENTED: 381.00316 FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Woodlief at Douglas.Woodlief@flhealth.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-48.0011 Safety Inspection of Bridges

PURPOSE AND EFFECT: To update URLs and incorporate the newest revisions to federal bridge inspection standards.

SUMMARY: Rule 14-48.0011, F.A.C., is amended to update URLs and incorporate the newest revisions to federal bridge inspection standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 334.044(2), FS.

LAW IMPLEMENTED: 334.044(28), 335.074, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Denise Johnson, Deputy General Counsel, (850)414-5265, denise.johnson@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-48.0011 Safety Inspection of Bridges.

(1) Purpose. The purpose of this rule is to establish standards for safety inspection of bridges, as well as certification requirements for bridge inspectors.

(2) The *Manual for Bridge Evaluation, 2008, Third First Edition, with 2019 Interim Revisions*, published by the American Association of State Highway and Transportation Officials (AASHTO), is hereby incorporated by reference and made a part of this rule. Copies of this manual are available from AASHTO, 444 North Capitol Street Northwest, Suite 249, Washington, DC 20001.

(3) The Federal Highway Administration *Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges*, December 1995, is hereby incorporated herein by reference and made a part of this rule. This manual is available on line and can be downloaded at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-13081> <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

(4) Training Course. Bridge inspectors must complete and pass the final examination for the Safety Inspection of In-Service Bridges course provided by the National Highway Institute. Information regarding this training can be obtained by contacting the National Highway Institute at its website: <https://www.nhi.fhwa.dot.gov/home.aspx> <http://www.nhi.fhwa.dot.gov/home.aspx>.

(5) The Department will certify persons with a minimum of five years bridge construction or maintenance inspection experience working in a responsible capacity, who have completed the training course as bridge inspectors. The five years experience must include at least one year of experience conducting bridge safety inspections which meet the requirements of the National Bridge Inspection Standards, 23 C.F.R., Part 650, Subpart C, Rev. 12/09 04/09, incorporated herein by reference at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-13079>. To receive bridge inspection experience, the inspections must have been done under the supervision of an onsite P.E. or CBI. Also incorporated herein by reference is the *Bridge Inspector's Reference Manual*, U.S. Department of Transportation Publication No. FHWA NHI 12-049 03-001, December, 2012 2006, which is available for review and downloading at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-13084> <http://www.fhwa.dot.gov/bridge/bripub.htm>. The other four years shall include credit for any combination of the following: engineering education, structure design, bridge construction, bridge maintenance, materials testing, or additional bridge safety inspection. Credit for engineering education is as follows:

(a) An individual who holds a bachelor's degree in engineering from an accredited college or university, which is determined to be substantially equivalent by the Accreditation Board for Engineering and Technology, and has passed the National Council of Examiners for Engineering and Surveying Fundamentals of Engineering Exam, will receive 3 years credit;

(b) An individual who ~~holds~~ has an associate’s degree in engineering or engineering technology from an accredited college or university, or is determined to be substantially equivalent by the Accreditation Board for Engineering and Technology, will receive 1 year credit.

The Application for Bridge Inspection Certification, DOT Form 850-010-16, Rev. 06/09, is incorporated herein by reference at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-13080> and can be downloaded from the Department’s Procedural Document Library website at: <https://pdl.fdot.gov/>. ~~hereby incorporated by reference and made a part of this rule. Copies of this form can be downloaded from the Department’s Office of Forms and Procedures website at: http://www.dot.state.fl.us/proceduraldocuments/~~

(6) Effective January 1, 2012, and every 4 years thereafter, all individuals serving as a bridge inspection team leader must have successfully completed the Safety Inspection of In-Service ~~In-Service~~ Bridge course. If the course was not taken in the previous 4 years, the individual must have successfully completed at least 12 personal development hours in bridge inspection training within the previous 4 years. An individual not meeting this requirement will be ineligible to serve as a bridge inspection team leader until this requirement is met. The Office of Maintenance will maintain a list of courses that meet the continuing education requirements. This list can be found in the document “~~Safety Bridge Inspection~~ Team Leader Requirements in Florida” at: <https://www.fdot.gov/maintenance/Inspection.shtm> <http://www.dot.state.fl.us/statemaintenanceoffice/StructuresOperations.shtm>.

(7) The Department intends to repeal the provisions of this rule on May 1, 2026, in accordance with the rulemaking requirements of Section 120.54, F.S., unless this rule is reviewed and determined to remain necessary prior to such proposed repeal.

Rulemaking Authority 334.044(2) FS. Law Implemented 334.044(28), 335.074 FS. History–New 1-30-05, Amended 12-14-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Felix Padilla, P.E., State Bridge Inspection Engineer
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin J. Thibault, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 17, 2021

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF JUVENILE JUSTICE

Transition

RULE NOS.:	RULE TITLES:
63T-1.002	Definitions
63T-1.003	Community Supervision
63T-1.004	Residential Commitment Program
63T-1.005	Community Re-Entry Team

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 90, May 10, 2021 issue of the Florida Administrative Register.

63T-1.002 Definitions.

For this rule chapter, the following terms are defined as follows:

(1) through (15) No change

(16) Pre-Release Notification and Acknowledgement (PRN) – A three-part form initiated by a residential commitment program to give prior notification to the JPO of a youth’s planned release, then allows for the JPO to add additional information pertinent to the release, and finally allows for the court’s approval or deemed approval by the court of the release. The Pre-Release Notification and Acknowledgement form (~~RS-008, February 2019~~) is incorporated in Chapter 63E-7, F.A.C. ~~into this rule and is accessible electronically at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02674> or <http://www.djj.state.fl.us/partners/forms-library/in-Subjects/Subjects/residential-rule>.~~

(17) through (20) No change

63T-1.003 Juvenile Probation Officer Responsibilities. ~~Community Supervision.~~

(1) through (2) No change

(3) Transition. The treatment team shall consist of all program staff involved with the youth, the JPO, the youth, the youth’s family, and other community members invested in the youth’s success. The transition plan is a comprehensive document outlining the steps a youth must take to successfully transition back to the community including post-residential services and court ordered sanctions. The JPO, or designee, must participate in the transition conference, via in-person, telephone, or web-based video phone, held in accordance with paragraph 63T-1.004(1)(a), F.A.C. The JPO, transition liaison, and treatment team shall ensure that:

(a) Living arrangements have been identified for the youth;

1. If a youth does not plan to return to the county or circuit with jurisdiction, the receiving circuit’s JPO will host the community reentry ~~re-entry~~ team meeting. The sending JPO will complete the case summary and participate in the community reentry ~~re-entry~~ team meeting.

- 2. No change
- (b) through (f) No change
- (4) No change.

63T-1.004 Residential Commitment Program.

(1) No change

(2) Transitional Treatment Planning. Consistent with transition planning required in subsection 63T-1.004(1), F.A.C., the program shall facilitate healthcare transitional planning and the exchange of information to maintain continuity of care for a youth who is released from a program.

- (a) No change
- (b) Mental Health and Substance Abuse Transition/Discharge Planning.

- 1. No change
- 2. A transition/discharge plan shall be documented on the Mental Health/Substance Abuse Treatment Discharge Summary Form (~~MHSA 011, October 2014~~) which is incorporated in Chapter 63N-1, F.A.C. by reference and is available ~~at~~ ~~http://www.flrules.org/Gateway/reference.asp?No=Ref 02675.~~ A copy of the Mental Health/Substance Abuse Treatment Discharge Summary Form will be provided to the youth, the youth’s assigned Juvenile Probation Officer, and also to the parent/legal guardian when the youth’s written consent for release of substance abuse information to the parent/guardian has been obtained in accordance with consent provisions in Rules 63E-7.010 and 63T-1.004, F.A.C.
- 3. through 4. No change.
- (3) No change.

63T-1.005 Community Reentry Team

(1) A community-based team shall be established in each judicial circuit to review all youth returning to the community from residential commitment.

(a) CRT Meeting - The Community Reentry ~~Re-entry~~ Team meeting shall occur after the Transition Conference, but prior to the Exit Conference.

(b) The JPO or transition liaison shall send the invitations for the Community Reentry ~~Re-Entry~~ Team to all required parties, via Microsoft Outlook, a minimum of 14 days prior to the meeting date.

(c) The JPO or transition liaison shall send the case summary to all required parties a minimum of three (3) calendar days prior to the Community Reentry ~~Re-Entry~~ Team. Required parties include:

- 1. through 6. No change
- (2) The transition liaison, or designee, shall complete the individual Community Reentry ~~Re-Entry~~ Case Summary.
- (3) No change
- (4) Upon completion of the CRT, the JPO, transition liaison, or designee shall upload the completed Community Reentry ~~Re-Entry~~ Case Summary in the Juvenile Justice Information System (JJIS) case notebook module within three (3) working days.
- (5) through (7) No change

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF MANAGEMENT SERVICES
Public Employees Relations Commission
RULE NO.: RULE TITLE:

60CC-4.002 Ratification by Members of Bargaining Unit
The Public Employees Relations Commission hereby gives notice:

On June 23, 2021, the Public Employees Relations Commission issued a final order in Case No. MS-2021-017 granting an unopposed emergency petition for variance from Florida Administrative Code Rule 60CC-4.002 filed by Dawn Bergeron and the United Faculty of Florida. The variance allows the Petitioners to conduct all aspects of a ratification election electronically. The Public Employees Relations Commission determined that the Petitioners had demonstrated an emergency existed and that they would suffer a substantial hardship if the variance was not granted. The petition was filed on June 3, 2021, and the notice of receipt of the petition was published on June 8, on the Commission’s website and in Volume 47, Number 110 F.A.R. No comments were received on the petition.

A copy of the Order or additional information may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on June 23, 2021, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for Subparagraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from APEX FABCOMFORT INC located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and 3-compartment sinks.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kasimira.Kelly@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-762.501 System Requirements for Shop Fabricated Storage

NOTICE IS HEREBY GIVEN that on June 17, 2021, the Department of Environmental Protection, received a petition for for variance pursuant to section 120.542, F.S. from St. Joseph's Hospital - South. The petitioner requested a variance from subparagraphs 62-762.501(3)(a)5, F.A.C, and 62-762.501(3)(a)6, F.A.C. which requires that all pressurized small diameter integral piping installed prior to January 11, 2017, that is in contact with the soil must be installed with line leak detectors meeting the requirements of paragraph 62-762.601(4)(b), F.A.C. The facility is located at 6901 Simmons Loop, Riverview, FL 33578. The petition has been assigned OGC #21-0607.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Amanda Dorsett, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 4550, Tallahassee, FL 32399-2400; telephone (850) 245-8931; e-mail Amanda.Dorsett@dep.state.fl.us, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. If you have any questions, please call the Division of Waste Management at (850) 245-8705.

Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-28.009 Required Continuing Education for Massage Therapists

NOTICE IS HEREBY GIVEN that on June 24, 2021, the Board of Massage Therapy, received a petition for for variance and waiver filed by Xaymara Solla Leon. The Petitioner is seeking a variance or waiver of Rule 64B7-28.009(4)(e), F.A.C., which requires that during each subsequent biennial renewal cycle, the licensee shall complete: twelve classroom hours, taught in an in-person setting, which must include hands-on instruction or demonstration, and must have stated learner objectives which are relevant to and focused on massage therapy techniques, skills, and protocols as defined in Section 480.033(3), F.S. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, at the above listed address, (850) 245-4162, or by electronic mail - kama.monroe@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-22.001 General Requirements

The Department of Children and Families (“Department”) hereby gives notice:

The Department has issued an order disposing of the petition for variance from section 3.12D of the Child Care Facility Handbook (December 2019), which is incorporated by reference in Rule 65C-22.001(6), Florida Administrative Code, from Magic Moments Learning Center. The Notice of Petition for Variance was published on April 6, 2021, in Volume 47, Number 66 of the Florida Administrative Register. Section 3.12D of the Child Care Facility Handbook requires that permanent or stationary playground equipment must have a fall/use zone that extends a minimum of 6 feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls. Subsection 65C-22.001(6), Fla. Admin. Code states in pertinent part that child care programs must follow the standards found in the Child Care Facility Handbook.

The petition for variance of section 3.12D of the Child Care Facility Handbook incorporated by reference in Rule 65C-22.001(6), F.A.C., was granted because Petitioner demonstrated a substantial hardship and that the underlying purpose of the statute has been achieved.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe St., Ste. 100, Tallahassee, FL 32303 or Agency.Clerk@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

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from Triumphant Tots Inc. The Notice of Petition for Variance was published on April 6, 2021, in Volume 47, Number 66 of the Florida Administrative Register. Section 3.12D of the Child Care Facility Handbook requires that permanent or stationary playground equipment must have a fall/use zone that extends a minimum of 6 feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls. Subsection 65C-22.001(6), Fla. Admin. Code states in pertinent part that child care programs must follow the standards found in the Child Care Facility Handbook.

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DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-22.001 General Requirements

The Department of Children and Families ("Department") hereby gives notice:

The Department has issued an order disposing of the petition for variance from section 3.12D of the Child Care Facility Handbook (December 2019), which is incorporated by reference in Rule 65C-22.001(6), Florida Administrative Code, from West Family Learning Center I, Inc. The Notice of Petition for Variance was published on April 6, 2021, in Volume 47, Number 66 of the Florida Administrative Register. Section 3.12D of the Child Care Facility Handbook requires that permanent or stationary playground equipment must have a fall/use zone that extends a minimum of 6 feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls. Subsection 65C-22.001(6), Fla. Admin. Code states in pertinent part that child care programs must follow the standards found in the Child Care Facility Handbook.

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DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-22.001 General Requirements

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The Department has issued an order disposing of the petition for variance from section 3.12D of the Child Care Facility Handbook (December 2019), which is incorporated by reference in Rule 65C-22.001(6), Florida Administrative Code, from West Family Learning Center II, Inc. The Notice of Petition for Variance was published on April 6, 2021, in Volume 47, Number 66 of the Florida Administrative Register. Section 3.12D of the Child Care Facility Handbook requires that permanent or stationary playground equipment must have a fall/use zone that extends a minimum of 6 feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls. Subsection 65C-22.001(6), Fla. Admin. Code states in pertinent part that child care programs must follow the standards found in the Child Care Facility Handbook.

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from West Family Learning Center East, LLC. The Notice of Petition for Variance was published on April 6, 2021, in Volume 47, Number 66 of the Florida Administrative Register. Section 3.12D of the Child Care Facility Handbook requires that permanent or stationary playground equipment must have a fall/use zone that extends a minimum of 6 feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls. Subsection 65C-22.001(6), Fla. Admin. Code states in pertinent part that child care programs must follow the standards found in the Child Care Facility Handbook.

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Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District One announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, July 8, 2021, 5:00 p.m. - Open

House; 5:30 p.m. Formal Presentation and Comment Period

PLACE: Zolfo Springs Civic Center, 3210 Main Street, Zolfo Springs, FL 33890

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), in partnership with Hardee County, invites you to a public hearing on July 8, 2021, for the right-of-way transfer of Main Street (SR 35) from W Third Street to Ninth Street West in Hardee County.

The purpose of this hearing is to provide the public with information regarding the right-of-way transfer of Main Street from FDOT to the Town of Zolfo Springs. It also provides the opportunity for the public to offer feedback about the transfer for the official hearing record.

The hearing is scheduled for Thursday, July 8, 2021, at the Town of Zolfo Springs Civic Center – 3210 Main Street, Zolfo Springs, FL.

The hearing begins with an open house at 5 p.m. and follows with a formal presentation and comment period at 5:30 p.m. Attendees can review project displays and speak one-on-one with the project team. If you wish to speak your comment for

the record, be sure to attend the comment portion (starting at 5:30 p.m.). Written statements or exhibits submitted at the hearing, or statements emailed or mailed to the project manager (contact information below) by July 18, 2021, will become part of the official hearing record.

Again, while comments about the transfer are accepted at any time, please send your comments by July 18, 2021, to be included in the formal public hearing record.

If you have questions or comments about the transfer, please contact: FDOT Project Representative, Kyle Purvis by phone at (863) 519-2395, by email at Kyle.Purvis@dot.state.fl.us, or by mail to the Florida Department of Transportation, P.O. Box 1249, Bartow, FL 33831-1249.

FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability, or family status. People who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Cynthia Sykes, District One Title VI Coordinator, at (863) 519-2287 or by email at Cynthia.Sykes@dot.state.fl.us at least seven days prior to the public hearing.

Para preguntas en español, favor contactar Karina Della-Sera llamando al número (863) 519-2750, enviando un correo electrónico a Karina.DellaSera@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: FDOT Project Representative, Kyle Purvis by phone at (863) 519-2395, by email at Kyle.Purvis@dot.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cynthia Sykes, District One Title VI Coordinator, at (863) 519-2287, or email at Cynthia.Sykes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Project Representative, Kyle Purvis by phone at (863) 519-2395, by email at Kyle.Purvis@dot.state.fl.us or Brian Rick, FDOT Communications Specialist by phone at (863) 519-2828, by email at Brian.Rick@dot.state.fl.us.

FLORIDA PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled Commission Conference, to which all interested persons are invited.

DATE AND TIME: Thursday, July 8, 2021, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida. Participation may be in person or by telephone. Any interested person who would like to participate telephonically on any item on the Conference

agenda should contact the Office of General Counsel at 850-413-6199 no later than 12:00 p.m. on July 7, 2021. As always, the public may view a live stream of the Conference online using the link available at:

<http://www.floridapsc.com/Conferences/AudioVideoEventCoverage>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at: www.floridapsc.com.

SPECIAL COVID-19 CONSIDERATIONS: Due to the COVID-19 Pandemic, the Commission may limit public attendance in Room 148. Interested persons may also file written comments with the Agency Clerk in the applicable docket file for all matters to be taken up by the Commission, except any posthearing recommendation. Any written comments must be filed no later than 12:00 p.m. on July 7, 2021.

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD).

EMERGENCY CANCELLATION OF CONFERENCE: If a named storm or some other state of emergency requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (www.floridapsc.com) under the Hot Topics link on the home page.

Cancellation can also be confirmed by calling the Office of Commission Clerk at 850-413-6770.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2021, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council Offices, 421 SW Camden Avenue, Stuart, Florida 34994,

The meeting is also being offered virtually:

<https://global.gotomeeting.com/join/313722909>

You can also dial in using your phone.

United States: +1 (786) 535-3211

Access Code: 313-722-909

GENERAL SUBJECT MATTER TO BE CONSIDERED: The COVID-19 Response and Recovery Task Force will hold its monthly Board meeting.

A copy of the agenda may be obtained by contacting: Terry Ann Paulo at tpaulo@tcrpc.org or 772 221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Terry Paulo at tpaulo@tcrpc.org or 772 221-4060. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Terry Paulo at tpaulo@tcrpc.org or 772 221-4060.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 7, 2021, 1:30 p.m.

PLACE: Microsoft Teams Meeting
<https://www.swfwmd.state.fl.us/about/calendar/well-drillers-advisory-committee-meeting-2> and follow the instructions to connect to the meeting. An additional telephone connection is available at 786-749-6127 conference code 827 405 057#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District's Governing Board may also attend the meeting.

A copy of the agenda may be obtained by contacting: teri.rhodes@watermatters.org 1(800) 836-797 (FL only), or (813) 985-7481, ext. 4476.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: SWFWMD Human Resources, 1(800) 423-1476 (FL only), or (352) 796-7211, ext. 4702. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

The Tampa Bay Water, a Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: July 13, 2021, 10:00 a.m. - 1:00 p.m. or until completed

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for Digital Imagery & Remote Sensing Services, CONTRACT NO. 2022-002. As a part of the selection process, the Selection Committee will hear presentations and conduct interviews with short-listed firms in order to determine the highest ranking firm to recommend for award.

A copy of the agenda may be obtained by contacting: Records Department at (727)796.2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at (727)796.2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Records Department at (727)796.2355.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

The Tampa Bay Water, A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: July 20, 2021, 9:00 a.m. - 10:00 a.m. or until completed.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for As-Needed Engineering Services, Contract No.: 2021-027 thru 038. As a part of the selection process, the Selection Committee will meet to review and discuss the responses and ranking of the firms, determine if interviews are needed and review potential interview questions.

A copy of the agenda may be obtained by contacting: Records Department at (727)796.2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at (727)796.2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Records Department at (727)796.2355.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Certified Public Accounting

The Board of Accountancy announces a public meeting to which all persons are invited.

DATE AND TIME: July 22, 2021, 10:30 a.m.

PLACE: Call dial in number, 1(888)585-9008, Pass code number 683213166#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Budget Task Force will meet to discuss the Board's quarter financials.

A copy of the agenda may be obtained by contacting: Angela Francis, (352)333-2505.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Angela Francis, (352)333-2505. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF HEALTH
BOARD OF OPTICIANRY**

The Board of Opticianry announces a CORRECTION as to the time for the official Board meeting which was published in the Florida Administrative Register on 03/24/2021 in volume 47/57.

DATE AND TIME: November 19, 2021, 9:00 a.m., ET

PLACE: Please join my meeting from your computer, tablet or smartphone using GoToMeeting at <https://global.gotomeeting.com/join/202609421> or by smartphone (Toll Free) (866) 899-4679 or (571) 317-3116 using Access Code: 202 609 421.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions,

including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850) 245-4292 or by visiting our website at <https://floridasopticianry.gov/meeting-information/>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850) 245-4292.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800) 955-8771 (TDD) or 1(800) 955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the board office at (850) 245-4292.

Section VII

**Notice of Petitions and Dispositions
Regarding Declaratory Statements**

NONE

Section VIII

**Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX

**Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, June 18, 2021 and 3:00 p.m., Thursday, June 24, 2021.

Rule No.	File Date	Effective Date
6A-1.0014	6/24/2021	7/14/2021
6A-1.0018	6/24/2021	7/14/2021
6A-1.0943	6/24/2021	7/14/2021
6A-1.09963	6/24/2021	7/14/2021
6A-1.09981	6/24/2021	7/14/2021
6A-4.002	6/24/2021	7/14/2021
6A-6.03311	6/24/2021	7/14/2021
6A-6.0571	6/24/2021	7/14/2021
6A-6.0573	6/24/2021	7/14/2021
6A-6.0575	6/24/2021	7/14/2021
6A-10.0401	6/24/2021	7/14/2021
6A-14.0582	6/24/2021	7/14/2021
6B-10.009	6/23/2021	7/13/2021
6B-10.012	6/23/2021	7/13/2021

6N-1.005	6/24/2021	7/14/2021
12AER21-2	6/24/2021	6/24/2021
42QQ-1.002	6/23/2021	7/13/2021
59A-36.001	6/22/2021	7/12/2021
59A-36.016	6/22/2021	7/12/2021
59A-36.017	6/22/2021	7/12/2021
60Y-11.004	6/18/2021	7/8/2021
61-35.010	6/22/2021	7/12/2021
61-35.029	6/23/2021	7/13/2021
61K1-4.022	6/18/2021	7/8/2021
62-41.300	5/10/2021	6/21/2021
62-41.301	5/10/2021	6/21/2021
62-41.302	5/10/2021	6/21/2021
62-41.303	5/10/2021	6/21/2021
62-41.304	5/10/2021	6/21/2021
62-41.305	5/10/2021	6/21/2021
62-640.600	6/22/2021	6/21/2021
62-640.650	6/22/2021	6/21/2021
62-640.700	6/22/2021	6/21/2021
62-640.800	6/22/2021	6/21/2021
62-640.850	6/22/2021	6/21/2021
62-640.880	6/22/2021	6/21/2021
64B2-11.001	6/22/2021	7/12/2021
64B2-12.022	6/22/2021	7/12/2021
64B8-4.009	6/23/2021	7/13/2021
64B8-9.018	6/23/2021	7/13/2021
64B8-9.0181	6/23/2021	7/13/2021
64B15-14.013	6/23/2021	7/13/2021
64B15-14.0131	6/23/2021	7/13/2021
64ER21-10	6/22/2021	6/22/2021

**LIST OF RULES AWAITING LEGISLATIVE
APPROVAL SECTIONS 120.541(3), 373.139(7)
AND/OR 373.1391(6), FLORIDA STATUTES**

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

establishment of Superior Street Automotive Group dba Superior Street Powersports, line-make GARI

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Garia Inc., intends to allow the establishment of Superior Street Automotive Group dba Superior Street Powersports as a dealership for the sale of low-speed vehicle manufactured by Garia A/s (line-make GARI) at 2411 North Federal Highway, Delray Beach, (Palm Beach County), Florida 33483, on or after July 26, 2021.

The name and address of the dealer operator(s) and principal investor(s) of Superior Street Automotive Group DbA Superior Street Powersports are dealer operator(s): Cynthia Pou, 2411 North Federal Highway, Delray Beach, Florida 33483; principal investor(s): Cynthia Pou, 2411 North Federal Highway, Delray Beach, Florida 33483.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Casey Winge, Garia Inc., 13810 Hollister Road, Suite 150, Houston, Texas 77086.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of Moramoto LLC line-make VAND

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vanderhall Motor Works, Inc., intends to allow the establishment of Moramoto LLC, as a dealership for the sale of motorcycles manufactured by Vanderhall Motor Works, Inc., (line-make VAND) at 7807 North Dale Mabry Highway, Tampa, (Hillsborough County), Florida 33614, on or after July 26, 2021.

The name and address of the dealer operator(s) and principal investor(s) of Moramoto LLC are dealer operator(s): Mora Andrew, 7807 North Mabry Highway, Tampa, Florida 33614; principal investor(s): Mora Andrew, 7807 North Mabry Highway, Tampa, Florida 33614, Alina Mora, 7807 North Dale Mabry Highway, Tampa, Florida 33614.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michelle Lee, Vanderhall Motor Works, Inc., 3500 Mountain Vista Parkway, Provo, Utah 84606.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 DEO Final Order No. DEO-21-024
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY CITY OF MARATHON,
 ORDINANCE NO. 2021-07

FINAL ORDER

APPROVING MARATHON ORDINANCE NO. 2021-07

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Marathon (“City”), Ordinance No. 2021-07 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City on April 13, 2021 and rendered to the Department on May 6, 2021.
3. The Ordinance amends Chapter 14, Article IV of the City’s Code of Ordinances to implement the mandatory year-round landscape irrigation conservation measures established by the South Florida Water Management District under Chapter 40E-24, Florida Administrative Code.
4. The Ordinance makes the following changes to Chapter 14, Article IV:
 - a. Revises of Section 14-93. *Intent and Purpose* and Section 14-94. *Applicability*;
 - b. Adds several definitions for terms related to landscape irrigation under Section 14-95. *Definitions*;
 - c. Replaces of Section 14-96. *Hours of irrigation and automatic irrigation systems* with Section 14-96. *Year-Round Landscape Irrigation Conservation Measures* in accordance with Florida Administrative Code Rule 40E-201(1)-(6);
 - d. Revises Section 14-97. *Prohibition*, Section 14-98. *Exemptions*, Section 14-99. *Waiver*, and Section 14-100. *Enforcement*;
 - e. Adds Section 14-101. *Declaration of Water Shortage Or Water Shortage Emergency* and Section 14-102. *Penalties*.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. *See* Section 380.05(6), Florida Statutes.

6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

7. The Ordinance is consistent with the City’s Comprehensive Plan as required by Section 163.3177(1), Florida Statutes, generally, and is specifically consistent with Infrastructure Element Objective 3-5.5 and Infrastructure Element Policies 3-5.5.1, 3-5.5.2, 3-5.5.4, 3-5.5.5, and 3-5.5.7.

8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. *See* Section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

9. The Ordinance is consistent with the Principles for Guiding Development in Section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2021-07 is consistent with the City of Marathon’s Comprehensive Plan and the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby **APPROVED**.

This Final Order becomes final 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/James D. Stansbury

James D. Stansbury, Bureau Chief
 Bureau of Community Planning and Growth
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS FINAL ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE. DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX 850-921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 24th day of June, 2021.

/s/Janay Lovett
Janay Lovett
Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Luis Gonzalez, Mayor
City of Marathon, City Council
9805 Overseas Highway
Marathon, FL 33050

Diane Clavier, City Clerk
City of Marathon, City Clerk
9805 Overseas Highway

Marathon, FL 33050

George Garrett, Planning Director
City of Marathon, Planning Department
9805 Overseas Highway
Marathon, FL 33050

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
DEO Final Order No. DEO-21-022

In re: AMENDMENT TO THE CITY OF KEY WEST, FLORIDA,
LAND DEVELOPMENT REGULATIONS
ADOPTED BY CITY OF KEY WEST, FLORIDA,
ORDINANCE NO. 21-08

FINAL ORDER
APPROVING CITY OF KEY WEST ORDINANCE NO.
21-08

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to sections 380.05(6), Florida Statutes, approving the requested changes to land development regulations (“LDRs”), adopted by the City of Key West, Florida (“City”) by Ordinance No. 21-08 (“Ordinance”).

FINDINGS OF FACT

1. Rule 28-36.002, Florida Administrative Code, designates the City as an area of critical state concern.
2. The City adopted the Ordinance on March 3, 2021 and rendered to the Department on April 28, 2021.
3. The Ordinance amends section 86-9 of the Code of Ordinances to reduce the rent percentage compared to the monthly median income in the definition of “affordable housing (very low income) for a rental dwelling unit” and amends the definition of “affordable work force housing” to include “very low income” in the affordable work force housing categories.

CONCLUSIONS OF LAW

4. The City may amend its LDRs, but the amendment becomes effective only upon approval by the Department. § 380.05(6), Fla. Stat.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations amended by the Ordinance are land development regulations.
6. The Ordinance is consistent with the City’s Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically, with Policy 3-1.1.3.

7. LDRs enacted, amended, or rescinded within an area of critical state concern must be consistent and in compliance with the principles for guiding development for that area. See § 380.05(6), Fla. Stat. Rule 28-36.003, Florida Administrative Code sets forth the Principles for Guiding Development for the City.

8. The Ordinance is consistent and in compliance with the Principles for Guiding Development for the City as a whole, and specifically furthers the following principles:

(1)(a) Strengthen local government capabilities for managing land use and development; and

(h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that Ordinance No. 21-08 is consistent and in compliance with the City’s Comprehensive Plan and Principles for Guiding Development for the City and is hereby **APPROVED**.

This Final Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/James D. Stansbury
James D. Stansbury, Bureau Chief
Bureau of Community Planning and Growth
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, BY FILING A PETITION.

A PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX 850-921-3230

AGENCY.CLERK@DEO.MYFLORIDA.COM
YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH

THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE. DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. PURSUANT TO SECTION 120.573, FLORIDA STATUTES, AND CHAPTER 28, PART IV, FLORIDA ADMINISTRATIVE CODE, YOU ARE NOTIFIED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 24th day of June 2021.

/s/Janay Lovett
Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
The Honorable Teri Johnston
Mayor, City of Key West
P.O. Box 1409
Key West, Florida 33041-1409

Cheri Smith, City Clerk
City of Key West
P.O. Box 1409
Key West, Florida 33041-1409

Katie Halloran, Director
City of Key West Planning Department
P.O. Box 1409
Key West, Florida 33041-1409

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 DEO Final Order No. DEO-21-023
 In re: AMENDMENT TO THE CITY OF KEY WEST,
 FLORIDA,
 LAND DEVELOPMENT REGULATIONS
 ADOPTED BY CITY OF KEY WEST, FLORIDA,
 ORDINANCE NO. 21-09

- (1)(a) Strengthen local government capabilities for managing land use and development; and
- (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that Ordinance No. 21-09 is consistent and in compliance with the City’s Comprehensive Plan and Principles for Guiding Development for the City and is hereby **APPROVED.**

This Final Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/James D Stansbury

James D. Stansbury, Bureau Chief,
 Bureau of Community Planning and Growth
 Department of Economic Opportunity

FINAL ORDER
APPROVING CITY OF KEY WEST ORDINANCE NO.
21-09

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to sections 380.05(6), Florida Statutes, approving the requested changes to land development regulations (“LDRs”), adopted by the City of Key West, Florida (“City”) by Ordinance No. 21-09 (“Ordinance”).

FINDINGS OF FACT

1. Rule 28-36.002, Florida Administrative Code, designates the City as an area of critical state concern.
2. The City adopted the Ordinance on March 3, 2021 and rendered to the Department on April 28, 2021.
3. The Ordinance amends Section 122-1466 of the Code of Ordinances to add the definition of “affordable housing (very low income)” and to add the category “very low income” to the categories of “affordable work force housing”.

CONCLUSIONS OF LAW

4. The City may amend its LDRs, but the amendment becomes effective only upon approval by the Department. § 380.05(6), Fla. Stat.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations amended by the Ordinance are land development regulations.
6. The Ordinance is consistent with the City’s Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically, with Policy 3-1.1.3.
7. LDRs enacted, amended, or rescinded within an area of critical state concern must be consistent and in compliance with the principles for guiding development for that area. *See* § 380.05(6), Fla. Stat. Rule 28-36.003, Florida Administrative Code sets forth the Principles for Guiding Development for the City.
8. The Ordinance is consistent and in compliance with the Principles for Guiding Development for the City as a whole, and specifically furthers the following principles:

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A PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

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FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING

WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

PURSUANT TO SECTION 120.573, FLORIDA STATUTES, AND CHAPTER 28, PART IV, FLORIDA ADMINISTRATIVE CODE, YOU ARE NOTIFIED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 24th day of June 2021.

/s/Janay Lovett
Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Teri Johnston
Mayor, City of Key West
P.O. Box 1409
Key West, Florida 33041-1409

Cheri Smith, City Clerk
City of Key West
P.O. Box 1409
Key West, Florida 33041-1409

Katie Halloran, Director
City of Key West Planning Department
P.O. Box 1409
Key West, Florida 33041-1409

Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
