

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

RULE NOS.:	RULE TITLES:
62S-6.009	Application of Definitions
62S-6.012	Discharge Cleanup Organization; Approval
62S-6.022	Notification of Pollutant Discharge
62S-6.033	Terminal Facility Discharge Contingency Plan
62S-6.034	Additional Equipment to Cleanup a 10,000 Gallon Pollutant Discharge

PURPOSE AND EFFECT: The purpose of this amendment is to make the appropriate changes to Chapter 62S-6, F.A.C. In Rule 62S-6.009, F.A.C., subsections 62S-6.009(1), (3)-(25) and (27)-(31), F.A.C., will be repealed since they are no longer used in the rule or restate the statute; subsections (2) and (26) will be appropriately renumbered. In Rule 62S-6.012, F.A.C., pursuant to Section 120.55(1)(a)4., F.S., the Form: Application for Approval as a Discharge Cleanup Organization will be incorporated into subsection 62S-6.012(1), F.A.C., and the reference to Rule 62N-16.026, F.A.C., will be removed since this rule has been repealed. In addition, the Department will provide for electronic retrieval and submittal of the Form: Application for Approval as a Discharge Cleanup Organization. Furthermore, subsections 62S-6.012(3) and (5), F.A.C., will be removed since they duplicate the statute. In Rule 62S-6.022, F.A.C., the references to the Florida Marine Patrol in subsections 62S-6.022(1) and (2), F.A.C., will be removed since it no longer exists and will be replaced with the State Watch Office at (850) 413-9911. Furthermore, the reference to Section 370.07, F.S., in the rulemaking authority section will be moved since it is incorrect and will be replaced with the correct citation of Section 376.07, F.S. In Rule 62S-6.033, F.A.C., the reference to October 1, 1992 in subsection 62S-6.033(1), F.A.C., shall be removed since this date is no longer valid. Furthermore, the references to the Florida Marine Patrol in sub-subparagraphs 62S-6.033(1)(b)3.a. and (1)(c)3.a., F.A.C., will be removed since it no longer exists and will be replaced with the State Watch Office at (850) 413-9911. Furthermore, subsection 62S-6.033(4), F.A.C., will be repealed. This is due to the fact

that Rule 62N-16.036, F.A.C., Vessel Spill Contingency Plan, which is the contingency plan referenced in subsection 62S-6.033(4), F.A.C., no longer exists. Finally, in Rule 62S-6.034, F.A.C., paragraph 62S-6.034(1)(a), F.A.C., will be deleted because Section 376.065(3), F.S., already details the boom requirements.

SUMMARY: The rule amendments will do the following: incorporate the appropriate form into the rule, allow for electronic retrieval and submittal of a form, replace an entity from the rule that no longer exists with the appropriate one, correct a citation in the rulemaking authority, remove certain rule references that no longer exist and repeal certain subsections and sub-subparagraphs that are no longer valid.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: these proposed amendments are for the purpose of incorporating a form by reference, allowing for electronic retrieval and submittal of a form, changing contact info, or cleaning up out of date or duplicative citations and rules and therefore the Department does not expect any adverse financial impact.

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: 376.07 FS.

LAW IMPLEMENTED: 376.031, 376.065, 376.07, 376.09, 376.12 FS.

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

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: Gwen Keenan, Director, Office of Emergency Response, 3900 Commonwealth Blvd., MS 600, Tallahassee, FL 32399-3000, (850)245-2010, e-mail: Gwen.Keenan@dep.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gwen Keenan at the address/phone above

THE FULL TEXT OF THE PROPOSED RULE IS:

62S-6.009 Application of Definitions.

For purposes of this chapter, the following terms shall be defined to mean:

(1) ~~“Department” means the Secretary of the Florida Department of Environmental Protection or his designee.~~

~~(1)(2) No change.~~

~~(3) “Transfer” or “Transferred” includes any commercial, bulk cargo or fuel on loading or off loading between terminal facility and vessel, or vessel to vessel, or terminal facility to terminal facility, to include but not limited to all on loading or off loading of fuel for bunkering.~~

~~(4) “Discharge Cleanup Organization” means any group, incorporated or unincorporated, of owners or operators of waterfront terminal facilities in any port or harbor of the state, and any other person who may elect to join, organized for the purpose of containing and cleaning up discharges of pollutants through cooperative efforts and shared equipment and facilities. For the purposes of this chapter, any third party cleanup contractor or any local government shall be recognized as a discharge cleanup organization, provided such contractor or local government is properly certified by the department.~~

~~(5) “Public Waters,” as they pertain to derelict vessels, mean rivers, streams, lakes, navigable waters and associated tributaries, canals, enclosed water systems, and any bodies of water that are accessible to members of the general public.~~

~~(6) “Secretary” means the Secretary of the Department of Environmental Protection.~~

~~(7) “Contractor” means the individual, partnership, joint venture, corporation, cooperative or governmental entity that is contracted by the department for the purpose of removing and disposing of a derelict vessel.~~

~~(8) “Derelict Vessel” in accordance with Section 376.15, F.S., means any vessel left or stored in a wrecked, junked, or substantially dismantled condition that is abandoned upon public waters to include any port in the State without the consent of this department or docked at any private property without the consent of the owner of the private property.~~

~~(9) “Discharge” as it pertains to derelict vessels, means any spilling, leaking, seeping, pouring, emitting, emptying or dumping of a pollutant which occurs as the result of the removal and/or disposal of a derelict vessel.~~

~~(10) “State Agency Coordinator” means the predesignated State official responsible to the Chairperson of the State Response Team for the coordination of the team during a~~

~~pollution incident. The State Agency Coordinator shall work in cooperation with the assigned Federal On Scene Coordinator.~~

~~(11) “State Response Team” means the emergency response group of predesignated State agencies that is available on a continuous basis in order to respond to a major spill. This team shall act independently of the Regional Response Team, but will cooperate with Federal authorities in all Federal cleanup operations. The State Response Team shall be responsible for creating and maintaining a contingency plan of response, organization, and equipment for handling emergency cleanup of pollution discharges.~~

~~(12) “Spiller” means the individual, partnership, joint venture, corporation or governmental entity determined by the Secretary to be responsible for a discharge.~~

~~(13) “Board” means the Governor and Cabinet sitting as the head of the Florida Department of Environmental Protection.~~

~~(14) “Minor Discharge” means a discharge of pollutant of less than 1,000 gallons into waters within the jurisdiction of the department located landward of the COLREG demarcation line for the state of Florida as described in Part 80 of Title 33 of the Code of Federal Regulations and depicted on the navigational charts published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Survey, Washington, D.C., or less than 10,000 gallons in waters located seaward of the COLREG demarcation line for the state of Florida as described above.~~

~~(15) “Moderate Discharge” means a discharge of pollutant of 1,000 gallons to 10,000 gallons into waters within the jurisdiction of the department located landward of the COLREG demarcation line for the state of Florida as described above, or 10,000 to 100,000 gallons in waters located seaward of the COLREG demarcation line for the state of Florida as described above.~~

~~(16) “Major Discharge” means a discharge of pollutant of more than 10,000 gallons into waters within the jurisdiction of the department located landward of the COLREG demarcation line for the state of Florida as described above or more than 100,000 gallons in waters located seaward of the COLREG demarcation line for the state of Florida as described above.~~

~~(17) “Lead State Agency” means the predesignated state agency responsible for the effective coordination and administration of the state’s response efforts to a discharge or pollution incident.~~

~~(18) “Pollution Incident” means a minor, moderate, or major discharge of oil in any form, gasoline, pesticides, ammonia, chlorine, or derivatives thereof.~~

~~(19) “Regional Response Team” means an emergency response group comprised of Federal and state agencies that is~~

available for continuous consultation in the event of a pollution incident. Florida's representation on this team will be comprised of DEP and DCA. During the activation of the RRT, the Lead State Agency shall assume Florida's primary representation on the RRT.

(20) "State Response Team Chairperson" means the Executive Director or Secretary of the Lead State Agency or his/her designee. During a pollution incident, the Chairperson or designee shall be responsible for the overall management and direction of the State Response Team or Hazardous Materials Task Force, as applicable. He shall have the authority to activate, direct, and deactivate the team. During a response, the Chairperson or designee shall be the principal public spokesperson for the SRT or Hazardous Materials Task Force, as applicable. The Chairperson or designee shall be responsible for advising the Governor regarding the need to make a Declaration of an Emergency Proclamation.

(21) "National Response Center" means the National Communication Center for activities related to pollution incidents. The NRC relays notices of discharge to the appropriate Federal On Scene Coordinator.

(22) "Hazardous Materials Task Force" means the interagency coordinative body which plans and directs the state response to major or disastrous hazardous materials incidents.

(23) "Federal On Scene Coordinator" means the predesignated federal official responsible for the coordination and direction of federal discharge removal efforts at the scene of a pollution incident.

(24) "Coastal Local Governments" in accordance with Section 376.15(2)(b), F.S., means any local governing body which is duly constituted under the Laws of Florida and whose geographical jurisdiction covers, includes or borders the Atlantic Ocean or Gulf of Mexico or their bays and inlets.

(25) "Division" means the Division of Law Enforcement within the Department of Environmental Protection.

(2)(26) No change.

(27) "Heavy Oil" means any oil of any kind and in any form with a specific gravity of 0.889 or greater including but not limited to lubricating oil, residual fuel oil, #4 fuel oil, #5 fuel oil, #6 fuel oil, crude oil, Bunker C and asphalt. Solvents and solvent mixtures are not considered heavy oils.

(28) "Proper containment equipment" means hard or permanent boom.

(29) "Seal off" means the use of a sleeve or similar device which completely encloses the transfer piping or hose except at the lowest end of the transfer operation, where a drip pan of not less than 25 gallon capacity shall be used. "Seal off" as

defined herein may be used to meet the requirements of Section 376.07(2)(a), F.S., only by tank trucks that have a storage capacity of less than 10,000 gallons, which are transferring less than 1500 gallons of heavy oil, and which are using transfer piping or hoses with a 3" diameter or smaller.

(30) "Vessel Operator" means any person operating a vessel, whether by lease, contract or other agreement.

(31) "Vessel Owner" means any person owning a vessel or holding any legal or equitable title to a vessel.

Rulemaking Authority 376.07 FS. Law Implemented 376.031, 376.065, 376.07 FS. History—New 8-23-74, Formerly 16B-16.09, Amended 11-5-80, 11-21-83, 10-3-85, 11-11-85, Formerly 16N-16.09, Amended 8-27-92, Formerly 16N-16.009, Amended 10-17-94, Formerly 62N-16.009, Amended _____.

62S-16.012 Discharge Cleanup Organization; Approval.

(1) For approval as a discharge cleanup organization, an applicant shall apply to the department on a Form 62S-6.012(1), Application for Approval as a Discharge Cleanup Organization, dated [effective date], hereby adopted and incorporated by reference. The completed form can be either mailed to the Department of Environmental Protection, Office of Emergency Response, 3900 Commonwealth Boulevard, M.S. 659, Tallahassee, Florida 32399-3000 or it can be electronically submitted to the following email address, OER@dep.state.fl.us. Copies of this form are available from Department of Environmental Protection, Office of Emergency Response, 3900 Commonwealth Boulevard, M.S. 659, Tallahassee, Florida 32399-3000, or via link to FAR website (link to be inserted before certification) or <http://www.dep.state.fl.us/oer/contractors.htm/> form supplied by the department, as provided for in 62N-16.026.

(2) No change.

(3) Applications shall be processed in accordance with the provisions of Chapter 120, F.S.

(3)(4) No change.

(5) Priority consideration shall be given to certified cleanup organizations by the department for discharge containment and cleanup contracts that are funded by the Florida Coastal Protection Trust Fund.

Rulemaking Authority 376.07 FS. Law Implemented 376.065, 376.09 FS. History—New 8-23-74, Formerly 16B-16.12, Amended 11-5-80, Formerly 16N-16.12, Amended 6-17-92, Formerly 16N-16.012, 62N-16.012, Amended _____.

62S-6.022 Notification of Pollutant Discharge.

(1) The "person-in-charge" master of any vessel or the "person-in-charge" of any terminal facility that suffers a pollutant discharge which enters or threatens to enter waters of

the state within the jurisdiction of the department shall, within one hour of discovery of the discharge, notify the State Watch Office at (850)413-9911 Florida Marine Patrol or the United States Coast Guard at the National Response Center.

(2) The person making notification to the State Watch Office Florida Marine Patrol shall provide at least the following information regarding the spill.

(a) through (k) No change.

Rulemaking Authority 376.07 ~~370.07~~ FS. Law Implemented 376.12 FS. History—New 11-5-80, Formerly 16N-16.22, Amended 6-17-92, Formerly 16N-16.022, 62N-16.022, Amended.

62S-6.033 Terminal Facility Discharge Contingency Plan.

(1) An owner or operator of a terminal facility shall ~~by October 1, 1992,~~ have a discharge contingency plan which is site specific for reporting discharges and detailing the methods, means and equipment to be used in the removal of such pollutants in the event of a discharge which enters or threatens to enter waters of the state. An adequate discharge contingency plan shall be one of the following:

(a) No change.

(b) For terminal facilities which store or service vessels with the capacity to carry 10,000 gallons or greater of pollutants as fuel or cargo, excluding motor fuel, a plan which includes as a minimum, the following details:

1. through 2. No change.
3. Notification

a. The responsibility and procedure for the immediate telephone and radio notification of a discharge to the U.S. Coast Guard at the National Response Center or the State Watch Office at (850)413-9911 of the Florida Marine Patrol.

- b. through c. No change.
4. through 8. No change.

(c) For terminal facilities which store or service vessels with the capacity to carry less than 10,000 gallons of pollutants as fuel or cargo, excluding motor fuel, a plan which includes as a minimum, the following details:

1. through 2. No change.
3. Notification

a. The responsibility and procedure for the immediate telephone and radio notification of any discharge to the U.S. Coast Guard at the National Response Center or the State Watch Office at (850)413-9911 Florida Marine Patrol, including, but not limited to, telephone numbers and radio frequencies of the U.S. Coast Guard and state contact point.

- b. No change.
4. No change.

(2) through (3) No change.

~~(4) Vessels that are also terminal facilities need a contingency plan that meets the requirements of Rule 62N-~~

~~16.036, F.A.C., and are exempted from having a plan in accordance with this rule.~~

Rulemaking Authority 376.07 FS. Law Implemented 376.07 FS. History—New 8-27-92, Formerly 16N-16.033, Amended 4-12-95, Formerly 62N-16.033, Amended.

62S-6.034 Additional Equipment to Cleanup a 10,000 Gallon Pollutant Discharge.

(1) The additional cleanup equipment to be available to a terminal facility as required under Section 376.065(3), F.S., shall be as follows:

~~(a) Five thousand feet of permanent boom with twelve inch skirt or longer including adequate anchors and lighted buoys.~~

(b) through (n) renumbered (a) through (m) No change.

(2) through (3) No change.

Rulemaking Authority 376.07 FS. Law Implemented 376.065 FS. History—New 8-27-92, Formerly 16N-16.034, 62N-16.034, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Gwen Keenan, Director, Office of Emergency Response

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 9, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: February 20, 2013

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:
61-35.008

RULE TITLE:

Building Code Administrators and

Inspectors Departmental Forms

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. 39, No. 30, February 13, 2013 issue of the Florida Administrative Register.

The rule text and the rule forms for BCAIB 1-5 will reflect an effective date of July, 2013.

Section IV

Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on September 24, 2013, the Department issued a Final Order that was in response to a Petition for Variance from One Ocean Plaza, filed August 28, 2013, and advertised on September 3, 2013 in Vol. 39, No. 171, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has not demonstrated that the purpose of the underlying statute has been met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-289).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on September 24, 2013, the Division issued an order. The Final Order was in response to a Petition for a Variance from Gateway, filed August 28, 2013, and advertised on September 3, 2013 in Vol. 39, No. 171, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4 and 2.24.2.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a) Florida Administrative Code that requires the use of a 9.5 mm steel rope and requirement of a metallic sheave because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that

Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-290).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on September 23, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Union 700 Warehouse. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-320).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

Section VI
Notice of Meetings, Workshops and Public
Hearings

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Council on the Social Status of Black Men and Boys announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2013, 10:00 a.m. – 2:00 p.m.

PLACE: House Office Building, Conference Room 408, 402 S. Monroe Street, Tallahassee, FL 32399-1300; toll-free dial-in number: 1(888)670-3525; conference code: 3785472431; telephone: (850)414-3369

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

Please be advised that meeting locations and times maybe subject to change. For updates please visit <http://www.cssbmb.com>.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.com>.

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 48 hours before the workshop/meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. 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: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announces the following meeting for Thursday, October 3, 2013, to which the public is invited.

Special Board Meeting:

DATE AND TIME: Thursday, October 3, 2013, 3:30 p.m. – 5:00 p.m.

PLACE: Advanced Technology Center, Rooms T-140 & T-141, 401 West State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Trustee Interview of College President Finalist.

Copies of the agenda for the Special Board meeting will be available for inspection beginning Thursday, September 26, 2013, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the Interim College President, Florida State College at Jacksonville, on or before October 3, 2013. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

The College does not discriminate on the basis of race, color, ethnicity, national origin, gender, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action College.

If special accommodations are required, please advise Human Resources twenty-four (24) hours in advance of the meeting

by contacting Associate Vice President of Human Resources Dan Richardson at (904)632-3381 or Dan.Richardson@fscj.edu.

STATE BOARD OF ADMINISTRATION

The State Board of Administration of Florida (SBA) announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2013, 9:00 a.m. (ET) to conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the Trustees of the SBA to obtain approval to file Rule 19-8.010, F.A.C., Reimbursement Contract, for Notice of Proposed Rulemaking and to file this rule for adoption if no member of the public timely requests a hearing or, if a hearing is requested, no changes need to be made. In addition, other general business may be addressed.

A copy of the agenda may be obtained by contacting: Not available.

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: Leonard E. Schulte, Director of Legal Analysis & Risk Evaluation, Florida Hurricane Catastrophe Fund, at (850)413-1335 or leonard.schulte@sbafla.com. 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: Leonard Schulte at the number or email listed above.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 21, 2013, 3:00 p.m.

PLACE: The South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the Revolving Loan Fund loan applications.

A copy of the agenda may be obtained by contacting: The South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

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 1 day before the workshop/meeting by contacting: (954)985-4416. 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: Cheryl Cook at (954)985-4416 or cherylc@sfrpc.com.

DEPARTMENT OF MANAGEMENT SERVICES
Commission on Human Relations
The Florida Commission on Human Relations announces a telephone conference call to which all persons are invited.
DATE AND TIME: Wednesday, October 16, 2013, 10:00 a.m. ET
PLACE: Call 1(888)670-3525 and when prompted, enter passcode 1760507820 followed by the # key
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision. A copy of the agenda may be obtained by contacting Jim Mallue at (727)570-5151, extension 13 or Jim.Mallue@fchr.myflorida.com.
ACCESS POINT: The Florida Commission on Human Relations office at 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.
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 Jim Mallue at (727)570-5151, extension 13 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Florida Building Commission
The Florida Building Commission, "The Commission", Accessibility Advisory Council announces a public meeting to which all persons are invited.
DATE AND TIME: October 7, 2013, 2:00 p.m. until completion
PLACE: To join the online meeting (Now from mobile devices!)

1. Go to <https://suncom.webex.com/suncom/j.php?ED=239189672&UID=1645866602&RT=MIMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click "Join".

To join the teleconference only

Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call:
Call-in toll-free number: 1(888)6703525 (US)
Attendee access code: 606 232 6940
Public point of access: Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and provide recommendations to the Commission regarding requests for waivers (as listed below) and other business for the Commission.
Taft Hotel – 1040 Washington Street, Miami Beach
The Alamo Hotel – 4121 Indian Creek, Miami Beach
Volunteer Support Center – 12200 Translation Way, Orlando
Christmas Etc. 1201 Allendale Road, West Palm Beach
South Beach 18 LLC, 235 18 Street, Miami Beach
Freshaveli - 20 N.E. 41 Street, #3, Miami

A copy of the agenda may be obtained by contacting: Ms. Mary Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, 1(850)487-1824. 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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399-2100, 1(850)487-1824 or fax: 1(850)414-8436. 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: Ms. Mary Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, 1(850)487-1824 or Fax: 1(850)414-8436, Website: www.floridabuilding.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, September 30, 2013, 11:00 a.m.

PLACE: Conference call. To attend the meeting by telephone, please call 1(888)909-7654 and enter pass code 128126 when prompted

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the emergency meeting is to discuss the fiscal year end audit from 2012 – 2013.

A copy of the agenda may be obtained by contacting: Vicky Krentz at 1(888)862-7010.

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 48 hours before the workshop/meeting by contacting: Vicky Krentz at 1(888)862-7010. 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: Vicky Krentz, Executive Director, FMHRC, PO Box 7848, Clearwater, FL 33758, 1(888)862-7010, vicky@fmhrc.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Water Quality Assessment Program, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 9, 2013, 1:00 p.m. – 5:00 p.m. EST

PLACE: Guana-Tolomato-Matanzas (GTM) Research Reserve Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082. This meeting can also be accessed via GoToWebinar at <https://www2.gotomeeting.com/register/814656858>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Statewide Florida Water Resources Monitoring Council (FWRMC) to discuss the workgroups' tasks: coordinate a groundwater salinity network, gather information for the monitoring catalog effort, develop a coastal monitoring network, and coordinate Regional Councils to increase opportunities for local monitoring entities to participate in the FWRMC.

A copy of the agenda may be obtained by contacting Ms. Lisa Van Houdt, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3525, Tallahassee, Florida 32399, email: Lisa.VanHoudt@dep.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 5 days before the workshop/meeting by contacting: Ms. Lisa Van Houdt at (850)245-8815 or Lisa.VanHoudt@dep.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).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Water Quality Assessment Program, announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 10, 2013, 9:00 a.m. – 12:00 Noon EST

PLACE: Guana-Tolomato-Matanzas (GTM) Research Reserve Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082. This meeting can also be accessed via GoToWebinar at <https://www2.gotomeeting.com/register/873188594>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Coastal Monitoring Network Workgroup to discuss coastal monitoring coordination.

A copy of the agenda may be obtained by contacting: Ms. Lisa Van Houdt, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3525, Tallahassee, Florida 32399, email: Lisa.VanHoudt@dep.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 5 days before the workshop/meeting by contacting: Ms. Lisa Van Houdt at (850)245-8815 or Lisa.VanHoudt@dep.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).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Recreation & Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 4, 2013, 8:30 a.m. (ET)

PLACE: "The Cafeteria" Silver Springs Town Center, 5656 E Silver Springs Blvd., Silver Springs, FL 34488

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Orientation and discussion of the advisory group process for Silver Springs with the advisory group members.

A copy of the agenda may be obtained by contacting: Sally Lieb, Park Manager, Silver River State Park, 1425 N.E. 58th Avenue, Ocala, Florida 34470, phone number: (352)236-7152, fax number: (352)236-7150 or email Sally.Lieb@dep.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 48 hours before the workshop/meeting by contacting: Sally Lieb, Park Manager, Silver River State Park, 1425 N.E. 58th Avenue, Ocala, Florida 34470, phone number: (352)236-7152, fax number: (352)236-7150 or email Sally.Lieb@dep.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: Sally Lieb, Park Manager, Silver River State Park, 1425 N.E. 58th Avenue, Ocala, Florida 34470, phone number: (352)236-7152, fax number: (352)236-7150 or email Sally.Lieb@dep.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

- 65C-16.001: Definitions
- 65C-16.002: Adoptive Family Selection
- 65C-16.005: Evaluation of Applicants
- 65C-16.012: Types of Adoption Assistance

The Department of Children and Families announces a workshop to which all persons are invited.

DATE AND TIME: October 14, 2013, 1:00 p.m. – 4:00 p.m.

PLACE: The Department of Children and Families, 1317 Winewood Blvd., Bldg. 4, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Adoptions.

A copy of the agenda may be obtained by contacting: Carrie Toy, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, FL 32399; email: Carrie_Toy@dcf.state.fl.us; telephone: 1(850) 717-4491.

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: Carrie Toy, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, FL 32399; email: Carrie_Toy@dcf.state.fl.us; telephone: 1(850)717-4491. 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: Carrie Toy, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, FL 32399; email: Carrie_Toy@dcf.state.fl.us; telephone: 1(850)717-4491.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Orange County Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2013, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace, (407)282-3944.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice is hereby given that the Board of Pharmacy has received a Petition for Declaratory Statement filed by David Benoit, MHP, RPh., on behalf of Northeast Pharmacy Service Corporation, on September 23, 2013. The Petitioner seeks a Declaratory Statement from the Board with regard to Section 465.0156, F.S., and seeks the agency's opinion as it applies to the petitioner. The petitioner is seeking the Board's approval for an exemption from registration as a nonresident pharmacy that mails prescriptions to patients who vacation in Florida. The board will address this at the next available board meeting.

Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 or by email at info@floridaspharmacy.gov within 14 days of publication of this notice.

Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Florida Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Robert L. Buck, Esq., P.A.,

on June 26, 2013. The following is a summary of the agency's disposition of the petition:

The petition sought the Department's determination regarding the availability of attorney's fees when no specific "offer to pay" had been provided to an insured in response to a request for neutral evaluation pursuant to Section 627.7074(14), Florida Statutes. The Department's order, issued September 24, 2013, found that the existing or most recent written claims decision by the insurer would not constitute an "offer to pay" unless such written "offer to pay" was made by the insurer within the ten (10) day time frame following receipt of request for neutral evaluation by the policyholder.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: John Ashley Peacock, Assistant General Counsel, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399, telephone number 1(850)413-4150, email: ashley.peacock@myfloridacfo.com.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filled 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

SENIOR FRIENDSHIP CENTERS
PUBLIC NOTICE
REQUEST FOR PROPOSAL

Invitation to Bid for Meal Service – Contracts to begin
January 1, 2014

Senior Friendship Centers is requesting competitive bids from food service management companies that if chosen must be registered and approved by the Florida Department of Elder Affairs Adult Care Food Program and/or the Florida Department of Health/Child Care Food Program for Adult meals (hot, cold, frozen and/or shelf stable) to be served to disabled and elderly adults participating in adult day care services at the following locations:

- Senior Friendship Centers, 1820 Brother Geenen Way, Sarasota, Florida 34236
- 2350 Scenic Drive, Venice, Florida 34293
- 5272 Summerlin Commons Way, #601, Fort Myers, Florida 33907

In addition to the above; companies can also choose to bid for hot, cold, frozen and shelf stable meals for Older Americans Act eligible elders who receive congregate and home delivered meal services for Sarasota, Lee, Charlotte and DeSoto counties. Those interested in providing only frozen and/or only shelf stable and/or only hot/cold meals may also apply, but must adhere to all requirements in this proposal for every meal. If preferred, a company may also choose to bid for Adult Care Food Program meals only or Congregate meals only or Home Delivered Meals only. Also, if a company has a strong ability to provide meals in one or more particular areas of a county (ies); those areas may be applied for separately.

Meals will be required to be delivered daily (Monday – Friday). Various delivery schedule options will be available and may be written into the RFP. Bid Packages may be requested to be emailed beginning October 4, 2013 by emailing cw@friendshipcenters.org with your organization's name, address, contact person, phone number, fax number and email address between 8:00 a.m. and 12:00 Noon. The packages will be emailed within 24 hours. A bidder's conference (attendance is not mandatory) will be held on Wednesday, October 14, 2013 at 2350 Scenic Dr., Venice, FL 34293 from 10:00 a.m. – 12:00 Noon.

All bids must be received by mail or hand delivered (they may not be emailed) by 4:00 p.m. on Monday, November 4, 2013 in a sealed envelope addressed to: "Invitation to Bid", Senior Friendship Centers, Attention: Nancy Green-Irwin, 5272 Summerlin Commons Way, #604 Fort Myers, Florida 33907 or Attention: Sue Firestone, 1888 Brother Geenen Way, Sarasota, FL 34236.

Bids will be opened publicly at 9:00 a.m. on November 5, 2013 at 5272 Summerlin Commons Way, #604, Fort Myers, Florida 33907 and 1888 Brother Geenen Way, Sarasota, FL 34236 (not mandatory).

**Section XII
Miscellaneous**

DEPARTMENT OF TRANSPORTATION

Proposed Private Use Aviation Facility – Grand Vista Ranch
The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Grand Vista Ranch, a private airport, in Hernando County, at Latitude 28° 32' 23" and Longitude 82° 18' 17", to be owned and operated by Mr. Jeffrey A. Jones, 13882 Whisperwood Drive, Clearwater, FL 33762.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, 1(850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology
Notice of Emergency Action

On September 25, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Kelly Ann Greenen, S.L.P., SA # 3390. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order, DEO-13-092

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS, FLORIDA, ORDINANCE NO. 13-14

FINAL ORDER

REJECTING ISLAMORADA ORDINANCE NO. 13-14

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat. (2012), rejecting land development regulations adopted by Islamorada, Village of Islands, Florida, Ordinance No. 13-14 (the "Ordinance").

FINDINGS OF FACT

The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Islamorada, Village of Islands, is a local government within the Florida Keys Area.

The Ordinance was adopted by Islamorada, Village of Islands, on July 11, 2013, and rendered to the Department on July 26, 2013.

The existing land development regulations allow, within the 20-foot shoreline setback from an altered shoreline, outdoor dining areas on water-dependent structures in connection with any lawfully established restaurant, café, bar, or similar establishment that sells food and beverages for on-site consumption. The Ordinance amends the Village Code of Ordinances, Chapter 30 "Land Development Regulations," Article VI "Specific Use Restrictions," Division 9 "Outdoor Seating Areas," and Article VI "Environmental Regulations," Division 2 "Docks and Shorelines" to allow covered and uncovered outdoor seating areas (not limited to outdoor dining areas) on water-dependent structures in the shoreline setback for both altered and unaltered shorelines in connection with any lawfully established restaurant, café, bar, or similar establishment that sells food and beverages for on-site consumption. The Ordinance also deletes the buffer yard

requirements for outdoor seating areas in the shoreline setback.

The Ordinance is not consistent with the Islamorada, Village of Islands, Comprehensive Plan as described below:

(a) Special Approval; Water Quality Monitoring. The Ordinance deletes the existing requirement in Section 1402(b)(3) of the Land Development Code that outdoor seating areas on water-dependent structures that serve commercial uses obtain a special approval from the Planning Director. The special approval requires a 5-year water quality monitoring plan for development of such accessory uses. The Ordinance is inconsistent with comprehensive plan Policy 5-1.2.13 which requires that such uses be authorized by a special approval in the form of a conditional use permit and requires a 5-year water quality monitoring plan for waterfront dining areas on water-dependent structures in the shoreline setback of an altered shoreline. The Ordinance is also inconsistent with comprehensive plan Policy 5-1.1.3 which requires that the Village prevent degradation of water quality, and comprehensive plan Policy 5-1.2.12 which requires that shoreline setback policies protect water quality through assimilation and filtrative uptake of pollutants by protected natural shoreline vegetation. In addition, the Ordinance creates an internal inconsistency in the Land Development Code by conflicting with Section 30-1554, which also requires that such accessory uses receive special approval from the Planning Director.

(b) Unaltered Shorelines. The special approval process described above allows outdoor dining in the shoreline setback from an altered shoreline. The Ordinance allows covered and uncovered outdoor seating in the shoreline setback from an unaltered shoreline. The Ordinance is inconsistent with comprehensive plan Policy 5-1.2.12 that establishes a 50-foot shoreline setback from an unaltered shoreline and requires that shoreline setback policies protect water quality through assimilation and filtrative uptake of pollutants by protected natural shoreline vegetation, comprehensive plan Policy 5-1.2.13 which only allows outdoor dining in a disturbed area of an altered shoreline, and comprehensive plan Policy 5-1.1.3 that requires the Village to prevent degradation of water quality.

(c) Minimum Distance From Altered Shoreline. The Ordinance allows covered and uncovered seating areas within the shoreline setback on an altered shoreline with no minimum distance from the shoreline. The Ordinance is inconsistent with comprehensive plan Policy 5-1.2.12 which requires that accessory structures in the shoreline setback on altered shorelines (other than docks, piers, decks, walkways, access ways, and utility pilings, be elevated and set back a minimum of 10 feet from the mean high water line.

(d) Buffer Yards – New Accessory Uses. Section 30-1402(b)(3) of the Land Development Code requires buffer yards for new accessory uses on water-dependent structures in the shoreline setback of both altered shorelines and unaltered shorelines to ensure compatibility with adjacent residential uses. The buffer yards also provide stormwater filtration in the shoreline setback. The Ordinance is inconsistent with comprehensive plan Policy 5-1.2.13(3) which requires that buffer yards are maintained, comprehensive plan Policy 5-1.1.3 which requires that the Village prevent the degradation of water quality, and comprehensive plan Policy 5-1.2.12 which requires that the Village protect water quality through assimilation and filtrative uptake of pollutants by protected natural shoreline vegetation.

(e) Buffer Yards – Existing Accessory Uses. Section 30-4203(b) of the Land Development Code requires the addition of buffer yards for all outdoor seating areas that existed on January 25, 2001, the date of adoption of the comprehensive plan, and that were adjacent to existing residential uses or residential zoned districts to ensure compatibility with adjacent existing residential uses. These buffer yards also provide stormwater filtration within the shoreline setback. The Ordinance deletes the buffer yard requirement for outdoor seating areas that existed on or before January 25, 2001. The deletion of the buffer yard requirement is inconsistent with comprehensive plan Policy 5-1.2.13(3) which requires that buffer yards are maintained, Policy 5-1.1.3 which requires that the Village prevent the degradation of water quality, and with Policy 5-1.2.12 which requires that the Village protect water quality through assimilation and filtrative uptake of pollutants by protected natural shoreline vegetation.

(f) Sea Level Rise. The Ordinance allows accessory uses in the shoreline setback on an altered or unaltered shoreline with no minimum buffer between the development and the shoreline. The Ordinance is inconsistent with comprehensive plan Policy 1-2.12(4) which requires the long term protection of structures from the effects of sea level rise.

CONCLUSIONS OF LAW

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. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat.

“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

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. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles

for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

The Ordinance is not consistent with the Islamorada, Village of Islands, Comprehensive Plan as described in paragraph 4 of this Final Order.

The Ordinance is not consistent with the Principles for Guiding Development in section 380.0552(7), Fla. Stat., as a whole, and is specifically inconsistent 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.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

(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 Islamorada, Village of Islands, the Department finds that Ordinance No. 13-14 is not consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby **REJECTED**.

This 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/ _____

William B. Killingsworth, Director
Division of Community Development
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, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX 1(850)921-3230

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

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 25 day of September, 2013.

/s/ _____
James W. Bellflower, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
Honorable Ken Philipson
Mayor, Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Edward Koconis, Director
Planning and Development Services
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Ariana S. Lawson
Village Clerk
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO Tallahassee

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order no.: DEO-13-098

NOTICE IS HEREBY GIVEN that on September 25, 2013, the Department of Economic Opportunity issued a Final Order Denying Waiver, regarding a petition for waiver and variance from the MetroBroward Economic Development Corporation. It has been assigned the case number 2013-0045.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Chapter 73C-1, Black Business Loan Program, subsection 73C-1.001(6), F.A.C., which defines the annual "application period" as May 1 through June 1 (or the next business day). The applicant sought a variance from the application deadline for 2013-2014 so it can file an application for certification to receive funds to participate in the Black Business Loan Program. The waiver has been denied. Having missed the application deadline in the rule, MetroBroward Economic Development Corporation is not eligible to be considered for recertification under the Black Business Loan Program for Fiscal Year 2013-2014.

A copy of the Order Denying Waiver Request may be obtained by contacting James Bellflower, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128 or James.Bellflower@DEO.MyFlorida.com.

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.