

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-33.001	Class Voting.
61B-33.002	Recall of One or More Directors of a Board of Administration at a Member Meeting; Board Certification; Filling Vacancies.
61B-33.003	Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies.

PURPOSE AND EFFECT: Chapter 2015-90, Laws of Florida, amended Section 723.078(2)(i), Florida Statutes, to require that disputes involving the recall of any member of the board of directors of a mobile home park homeowners' association be submitted to binding arbitration before the Division. Rules 61B-33.001, 61B-33.002, and 61B-33.003, F.A.C., are being created in order to provide rules governing the conduct of mobile home homeowners' association recalls.

SUBJECT AREA TO BE ADDRESSED: Mobile home homeowners' association recall disputes.

RULEMAKING AUTHORITY: 723.1255 FS.

LAW IMPLEMENTED: 723.078(2)(i) 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.

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: Debbie Miller Pennington at (850)488-1631. 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: Debbie Miller Pennington, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-11.008 RULE TITLE: Cross Licensing
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update which ports are combined for the purposes of piloting.
 SUBJECT AREA TO BE ADDRESSED: Cross Licensing.
 RULEMAKING AUTHORITY: 310.002(4), 310.061, 310.185 FS.
 LAW IMPLEMENTED: 310.001, 310.061, 310.081, 455.217 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: Thomas Campbell, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.0025 RULE TITLE: Approved Continuing Education Course for Supervisory Training

PURPOSE AND EFFECT: The Board proposes the rule amendment to update continuing education for supervisory training.

SUBJECT AREA TO BE ADDRESSED: Approved Continuing Education Course for Supervisory Training.

RULEMAKING AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.007, 491.0085 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-24.001 Practice Parameters for Cesarean Section Deliveries Funded by State or Federal Funds

PURPOSE AND EFFECT: The purpose of the rule development is to update practice parameters for cesarean deliveries that are partly or fully funded by state funds or federal funds administered by the state. This rule development will also implement section 9 of Florida Session Law 2012-31 by replacing Rule 10D-116.005, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Practice parameters to be followed by physicians in provider hospitals in performance of cesarean section deliveries when the deliveries will be paid partly or fully by state funds or federal funds administered by the state.

RULEMAKING AUTHORITY: 383.336(2) FS.

LAW IMPLEMENTED: 383.336 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: Bob Peck, (850)245-4444, ext. 2965; address Bin A-13, 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, email: Bob.Peck@flhealth.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

STATE BOARD OF ADMINISTRATION

Division of Bond Finance

RULE NO.: RULE TITLE:
19A-3.004 Sale and Award of Housing Bonds

PURPOSE AND EFFECT: The Division proposes the repeal of the rule which is now obsolete.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-211, the Division has identified Rule 19A-3.004 as obsolete and unnecessary.

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: The Division conducted an economic analysis of the potential impact of the proposed rule repeal and determined there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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: 215.62(5) FS.

LAW IMPLEMENTED: 215.68, 420.509 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: Donna Biggins, Division of Bond Finance, 1801 Hermitage Blvd, Suite 200, Tallahassee, Florida 32308, donna.biggins@sbafla.com, (850)488-4782

THE FULL TEXT OF THE PROPOSED RULE IS:

19A-3.004 Sale and Award of Housing Bonds.
Rulemaking Authority 215.62(5) FS. Law Implemented 215.68(5)(b), (c), 420.509(5), (7) FS, Chapter 83-238, Laws of Florida. History—New 3-27-84, Formerly 13K-13.04, 13K-3.004, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Biggins, Senior Attorney

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Division of Bond Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2015

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-404.201
RULE TITLE: Operation, Administration, and Designation of Corrections Mental Health Treatment Facilities

PURPOSE AND EFFECT: The purpose and effect of the amendment is to add Suwannee Correctional Institution as an institution at which the Assistant Secretary for Health Services has designated a mental health treatment facility for male inmates.

SUMMARY: The proposed rule adds Suwannee Correctional Institution as an institution at which the Assistant Secretary for Health Services has designated a mental health treatment facility for male inmates.

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: upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), FS.

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: 944.09, 945.49 FS.

LAW IMPLEMENTED: 944.09, 945.41, 945.42, 945.49 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-404.201 Operation, Administration, and Designation of Corrections Mental Health Treatment Facilities.

(1) No change.

(2) The assistant secretary for health services designates mental health treatment facilities at the following institutions:

(a) Lake Correctional Institution (males); ~~and~~

(b) Suwannee Correctional Institution (males); and
(c) ~~(b)~~ Florida Women’s Reception Center (females).

Rulemaking Authority 944.09, 945.49 FS. Law Implemented 944.09, 945.41, 945.42, 945.49 FS. History—New 11-3-85, Formerly 33-23.01, Amended 10-9-96, Formerly 33-23.001, Amended 10-19-03, 3-1-11, 10-6-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Olugbenga Ogunsanwo, M.D., Assistant Secretary of Health Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 27, 2015

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: 59E-5.603
RULE TITLE: Medical Education Tertiary Care Disbursement

PURPOSE AND EFFECT: The Agency proposes to repeal this rule, which provided for the disbursement of monies from the Medical Education and Tertiary Care Trust Fund to statutory teaching hospitals, as the trust fund has been repealed.

SUMMARY: Rule 59E-5.603 is unnecessary and 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: The Agency has determined that no SERC is required and that no legislative ratification pursuant to subsection 120.541(3) F.S.is required based on the Agency’s review of information at the time of analysis and the preparation of a checklist for the rule to determine the need for the creation of a SERC.

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: 408.15 FS.

LAW IMPLEMENTED: 408.072 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 11, 2015, 9:00 a.m. – 10:00 a.m.

PLACE: Ft. Knox Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

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: Mills Smith, Phone: (850)412-4353, E-mail: Robert.Smith@ahca.myflorida.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mills Smith, Phone: (850)412-4353, E-mail: Robert.Smith@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-5.603 Medical Education Tertiary Care Disbursement.

Rulemaking Authority 408.15 FS., Chapter 88-394, Laws of Florida. Law Implemented 408.072 FS. History—New 6-11-92, Formerly 10N-5.603, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mills Smith, Phone: (850)412-4353, E-mail: Robert.Smith@ahca.myflorida.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-18.011 Definitions.

PURPOSE AND EFFECT: To create a definition of “traffic engineering” and enumerate a list of tasks which are required to be completed under the responsible charge of a licensed professional engineer.

SUMMARY: Create definition of “traffic engineering” and enumerate list of tasks which are required to be completed under the responsible charge of a licensed professional engineer.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The proposed rule language defines the term “traffic engineering” and then enumerates a list of traffic engineering tasks which the Board finds must be completed under the responsible charge of a licensed professional engineer (PE). The Board found that many of these tasks may currently be performed by unlicensed individuals, including planners, contractors, engineers without a PE license, and persons working for planning firms and work zone employers. The SERC found the rule would not be likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, or on business competitiveness, including the ability of persons in the state to compete with persons doing business in other states or domestic markets, in excess of \$1 million in the aggregate within 5 years after implementation. The SERC found the rule would not be likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after implementation of the rule, and that there will be a minimal cost impact on the department and other state and local government entities implementing and enforcing the rule.

The SERC found there will be an impact on small business and on small counties and cities. The rule will result in a number of tasks which are likely currently being performed by unlicensed individuals having to be performed by, or under the responsible charge of, a Florida licensed Professional Engineer. The SERC estimates the cost differential between unlicensed personnel could be up to \$2400 per year for less than 100 small businesses subject to the rule. No person or interested party submitted additional information regarding the economic impact of the rule at any time. Based on the information contained in the SERC, the Board found the rule amendments will not require legislative ratification.

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: 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

THE TEXT OF THE PROPOSED RULE IS:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No change.

(6) The term “traffic engineering” involves the use of engineering principles and methodologies to carry out operational analyses of land transportation facilities serving pedestrian, bicycle and vehicular transit.

Traffic engineering also includes the completion of detailed roadway, intersection and parking lot designs, including the selection and implementation of all traffic control devices. In addition, traffic engineering includes the development and application of engineering standards to be used in the evaluation or design of ground transportation facilities. The following list of traffic engineering tasks shall be completed under the responsible charge of a licensed professional engineer. All resulting reports, construction drawings and plans shall be signed and sealed by the engineer in responsible charge.

(a) Operational Analysis or Design Analysis which rely on actual, site-specific roadway, intersection or traffic signal data (such as hourly traffic volumes, peak hour factors, truck percentages, g/c ratios and signal phasing) shall be done by or completed under the direction of a professional engineer. This includes all traffic engineering simulation programs and any roadway or intersection analysis other than those conducted at the planning level. The Highway Capacity Manual provides detailed descriptions of Operational Analysis, Design Analysis and Planning Analysis for various transportation facilities. Planning Analysis differs from Operational Analysis and Design Analysis in that it incorporates estimated or default input values into the analysis in order to determine facility operation for a future time horizon.

(b) Detailed design that involves the preparation of scaled construction drawings or maintenance plans, including temporary maintenance of traffic.

(c) The development of traffic engineering designs that contain specific numerical requirements that can only be evaluated through an engineering analysis.

(d) Any roadway or intersection operational analysis, including capacity and level of service analyses, other than those conducted at the planning level.

(e) The calculation of queue lengths or the determination of turn lane lengths, other than those determined during the planning stage.

(f) The application or interpretation of engineering standards and documents, including the latest edition of: The FHWA’s Manual on Uniform Traffic Control Devices (MUTCD), AASHTO’s Geometric Design of Highways and Streets (aka AASHTO Green Book), AASHTO’s Roadside Design Guide, AASHTO’s Roadway Lighting Design Guide, FDOT’s Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka Florida Green Book), FDOT’s Intersection Design Guide, FDOT’s Traffic Engineering Manual, FDOT’s Manual on Uniform Traffic Studies, and FDOT’s Design Standards.

(g) Any warrant evaluation that includes: traffic signal warrants, all-way stop control warrants, and turn lane warrants.

(h) The use of site-specific traffic signal timings and any task that results in traffic signal timing or phasing recommendations.

(i) Traffic signal design or timing.

(j) Sight distance calculations and analysis.

(k) No passing zone analysis or design.

(l) Roadway signing or pavement marking design for both public and private roadways.

(m) Work zone traffic control design; including the modification of any previously-developed work zone traffic control plans and the application of standard FDOT drawings to specific sites.

(n) The preparation of construction drawings, including the dimensions and specifications for traffic calming modifications to any roadway open to public travel. Also included is any speed study, road closure study, intersection analysis or other traffic operational analysis used to support a traffic calming recommendation.

(o) Access management tasks involving deviations from established criteria and standards. Variations from the established standards for driveway location, median opening location and type (full vs. directional) or traffic signal spacing shall be based on a detailed traffic operational analysis.

(p) Roadway lighting analysis and design, including light level computations and lighting justification reports.

(q) Review of equipment submittals for all design listed in this rule.

(r) Detailed design of both public and private parking facilities.

Rulemaking Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, 6-2-09, 2-2-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 12, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: September 28, 2015

Section III
Notice of Changes, Corrections and
Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:
11B-35.0010 eLearning Instruction
NOTICE IS HEREBY GIVEN that on September 24, 2015,
the Criminal Justice Standards and Training Commission
received a petition for a temporary one-year waiver of
subsection 11B-35.0010(1), F.A.C., from Colonel Gene S.
Spalding of the Florida Highway Patrol. Petitioner wishes
to waive that portion of the rule that states training
schools are permitted to use eLearning instruction for
Commission-approved Specialized Training Program
Courses, Specialized Instructor Courses, and courses
created from Specialized Goals and Objectives.
Petitioner requests permission to continue a previously
approved pilot program for a second year to utilize
eLearning to train auxiliary basic recruit students.
Petitioner states that the purpose of Section 943.13,
F.S. would be served if the waiver were granted.
A copy of the Petition for Variance or Waiver may be
obtained by contacting: Linton B. Eason, Assistant
General Counsel, Florida Department of Law Enforcement,
P.O. Box 1489, Tallahassee, FL 32302 or by telephone:
(850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:
11B-27.002 Certification, Employment or Appointment,
Reactivation, and Terminating Employment or Appointment
of Officers
NOTICE IS HEREBY GIVEN that on October 8, 2015,
the Criminal Justice Standards and Training Commission
received a petition for a waiver of paragraph 11B-27.002(4)(a),
F.A.C., from Chief Daniel Oates of the Miami Beach Police
Department on behalf of Rigoberto Mantecon. Petitioner
wishes to waive that portion of the rule that states within
four years of the beginning date of a Commission-approved
Basic Recruit Training Program, an individual shall
successfully complete the program, achieve a passing score
on the applicable State Officer Certification Examination,
and gain employment, and certification as an officer.
Petitioner states that Mr. Mantecon began a Commission-
approved cross-over program for law enforcement on
October 14, 2011 and passed the State Officer Certification
Examination on April 24, 2012. He has been certified as
a correctional officer since August 27, 1997 and currently
works for the Miami Beach Police Department. Chief Oates
submitted a letter of support and stated Mr. Mantecon is
undergoing the selection process with his agency. Petitioner
states that Mr. Mantecon has completed the psychological
examination and needs additional time to recover from Lasik
surgery to complete the medical exam portion of the
background hiring process. Petitioner states that Mr.
Mantecon is an exemplary employee with the Miami Beach
Police Department and would be an asset to their Reserve
Officer Program. Petitioner states that strict application
of the rule would result in unreasonable, unfair and
unintended results in this instance and that the purpose
of Section 943.13, F.S. would be served if the waiver were
granted.
A copy of the Petition for Variance or Waiver may be
obtained by contacting: Linton B. Eason, Assistant
General Counsel, Florida Department of Law Enforcement,
P.O. Box 1489, Tallahassee, FL 32302 or by telephone:
(850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:
11B-35.0024 Student Performance in Commission-approved
High-Liability Basic Recruit Training Courses and Instructor
Training Courses Requiring Proficiency Demonstration
NOTICE IS HEREBY GIVEN that on October 12, 2015,
the Criminal Justice Standards and Training Commission,
received a petition for a waiver of subparagraph 11B-
35.0024(3)(f)2., F.A.C. and subsection 11-B-21.005(7),
F.A.C., from Director Jay Romine on behalf of the Training

Center Directors Association. Petitioner wishes to waive that portion of subparagraph 11B-35.0024(3)(f)2., F.A.C., that states a basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required First Aid High-Liability Proficiency Skills at 100%, with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02224>. Form CJSTC-5 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. Form CJSTC-5 CMS shall be maintained in the student or course file and subsection 11-B-21.005(7), F.A.C., that states First Aid Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved first aid training, comply with the first aid equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(7), F.A.C., and in the CMS First Aid Instructional Requirements, form CJSTC-208, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02242>. Form CJSTC-208 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. Petitioner states that In November 2014, the Criminal Justice Standards and Training Commission approved changes to the CMS First Aid for Criminal Justice Officers Course number CJK_0031 and CMS First Aid Instructor Course number 1114 and also approved related changes to the CMS First Aid Performance Evaluation form CJSTC-5 and First Aid Instructional Requirements form CJSTC-208. The form revisions were included in the 2014-2015 rules revision package to take effect upon rule promulgation, which was July 29, 2015. Petitioner states that due to a technical error in the revised rule text, the revised CJSTC-5 form and CJSTC-208 form were not promulgated however; those rule revisions are in the current rules package for resubmission and rule promulgation in 2016. Petitioner states that the training center directors were Unaware that these form revisions were not promulgated; some schools began using the revised forms immediately after July 29, 2015. Petitioner states that on September 21, 2015 a technical memorandum was forwarded to training schools notifying them that they should cease using the revised forms and revert back to using the ones previously in use. Schools were given until September 30, 2015 to make this correction. Petitioner

states that strict application of the rule would result in unreasonable, unfair and unintended results and granting the waiver will allow students who utilized the revised forms to receive full credit for courses completed. Petitioner states that the purpose of Section 943.13, F.S. will be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

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 October 6, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code from Magicream located in Kissimmee. 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 three compartment sinks in the mall kiosk.

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: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 6, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., and Subsection 61C-4.010(6), F.A.C., from Empire Dogs & Spicy Treats located in Oakland Park. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby

establishment under different ownership for use by customers only.

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: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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 October 6, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(2)(a), F.A.C., subsection 61C-4.010(7), F.A.C., subsection 61C-4.010(6), F.A.C., and Section 6-402.11, 2009 FDA Food Code from Hog’s Breath-Prep Kitchen located in Destin. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to utilize the bathroom facilities located within an adjacent establishment under the same ownership for use by both customers and employees.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 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: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-701.520 Special Waste Handling

The Department of Environmental Protection hereby gives notice that it has issued an order on October 12, 2015 granting Triumvirate Environmental’s Petition for a Waiver. The Petition was received on July 15, 2015. Notice of receipt of this Petition was published in the Florida Administrative Register on July 17, 2015. The petition requested a waiver from paragraph 62-701.520(5)(d), F.A.C., which requires that treated biomedical waste be disposed of only at a Class I landfill or an incinerator used to combust solid waste. No public comment was received. The Order, file number 15-

0442, granted the Petition to paragraph 62-701.520(5)(d), F.A.C., based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner demonstrated that the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting James Jarmolowski, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8856, james.jarmolowski@dep.state.fl.us during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

NOTICE IS HEREBY GIVEN that on October 13, 2015, the Board of Clinical Laboratory Personnel, received a petition for variance or waiver filed by James S. Harper. Petitioner is seeking a variance or waiver of paragraph 64B3-5.002(3)(a), F.A.C., which sets forth the education, training/experience and examination requirements for licensure as a supervisor.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.017 Personnel

NOTICE IS HEREBY GIVEN that on September 23, 2015, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), F.A.C., from FamiliesFirst Network of Lakeview and Jennifer Armbruster. Subsection 65C-15.017(3), F.A.C., requires staff who perform casework services in licensed child-placing agencies to possess to least a bachelors degree in social work or a related field from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Division of Administrative Services announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2015, 3:00 p.m.

PLACE: R.A. Gray Building, 500 S. Bronough Street, Room 428, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a proposal opening is hereby noticed for the following Request for Proposal Number: DOS RFP 09/15-17 - Department Leadership Program. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and need not re-advertise notice in the Florida Administrative Register. Access the VBS at:

http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Vonda Murray, (850)245-6590, Vonda.Murray@dos.myflorida.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: Vonda Murray, (850)245-6590, Vonda.Murray@dos.myflorida.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 Vonda Murray, (850)245-6590, Vonda.Murray@dos.myflorida.com.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announces the following meeting for Wednesday, October 21, 2015, which is open to the public. The meeting will be held at the College's Administrative Offices, 501 West State Street, Jacksonville, FL 32202.

DATE AND TIME: October 21, 2015, 1:00 p.m. – 5:00 p.m.

PLACE: Administrative Offices, 501 West State Street, Room 403A, Jacksonville, FL 32202

GENERAL SUBJECT MATTERS TO BE CONSIDERED: Interviews for Investment Management Services.

If special accommodations are required, please advise the Office of the College President twenty-four (24) hours in advance of the meeting by contacting District Board of Trustees Project Coordinator Kimberli Sodek, (904)632-3205, Kim.Sodek@fscj.edu.

Florida State College at Jacksonville, hereby reaffirms the principle of equal opportunity for all persons regardless of race, disability, color, ethnicity, national origin, religion, gender, age, sex, sexual orientation/expression, marital status, veteran status, pregnancy or genetic information. Equal opportunity principle applies with regard to employment, delivery of educational programs and services, and all other appropriate areas in which the College is involved.

Florida State College at Jacksonville, Dr. Cynthia A. Bioteau, College President

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-10.008 Administration

The Department of Revenue announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2015, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rulemaking for the following rule sections:

12-10.008, F.A.C. - Administration

12-13.009, F.A.C. - Closing Agreements

12-16.003, F.A.C. - Form of Consent Agreements

12-22.007, F.A.C. - Registration Information Sharing and Exchange Program

12A-1.007, F.A.C. - Aircraft, Boats, Mobile Homes, and Motor Vehicles

12A-1.038, F.A.C. - Consumer's Certificate of Exemption; Exemption Certificates

12A-1.039, F.A.C. - Sales for Resale

12A-1.041, F.A.C. - Photographers and Photo Finishers; Sales by Public Officials of Public Records

12A-1.085, F.A.C. - Exemption for Qualified Production Companies

12A-1.087, F.A.C. - Exemption for Power Farm Equipment; Electricity Used for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Used for Agricultural Purposes

12A-1.0911, F.A.C. - Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors.

12A-1.097, F.A.C. - Public Use Forms

12A-19.100, F.A.C. - Public Use Forms

12B-4.003, F.A.C. - Public Use Forms

- 12B-5.150, F.A.C. - Public Use Forms
- 12B-5.300, F.A.C. - Aviation Fuel Licensees
- 12B-6.005, F.A.C. - Payment of Tax; Reports; Public Use Forms
- 12B-6.0051, F.A.C. - Public Service Tax Reporting Form
- 12B-7.031, F.A.C. - Public Use Forms
- 12B-8.003, F.A.C. - Tax Statement; Overpayments
- 12C-1.0194, F.A.C. - Corporate Income Tax Credit for Spaceflight Projects
- 12C-1.0196, F.A.C. - Research and Development Tax Credit
- 12C-1.051, F.A.C. - Forms
- 12C-2.0115, F.A.C. - Public Use Forms

A copy of the agenda may be obtained by contacting Kimberly Bevis at (850)717-7082 or by going to the Department's website at <http://dor.myflorida.com/dor/rules>.

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: Tonya Fulford at (850)717-6799. 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 TRANSPORTATION

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday October 29, 2015, 6:00 p.m. – 8:00 p.m.; presentation runs throughout

PLACE: Ocala Police Department, Community Room, 402 South Pine Avenue, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No.: 433660-1-52-01 & 433661-1-52-01.

Project Description: SR 500 (Pine Avenue) at SR 464 - SW 19th Street to SW 16th Street SR 500 (Pine Avenue) at SR 40 - SW 3rd Street to NW 2nd Street.

The purpose of this public hearing is to receive public input and to gain ideas from the local community about proposed improvements including turn lanes, median improvements, signalization enhancements, and access management improvements on State Road (SR) 500 between SW 19th Street to SW 16th Street and from SW 3rd Street to NW 2nd Street. The hearing will be from 6:00 p.m. to 8:00 p.m., with a looping presentation running throughout the hearing. Project staff will be available to discuss the study and answer questions. A certified court reporter will be present to collect and document comments for the record.

A copy of the agenda may be obtained by contacting Todd Alexander, FDOT Project Manager, 719 S. Woodland Boulevard, Deland, FL 32720, (386)943-5420, todd.alexander@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: Mark Bertoncini P.E. at Vanasse Hangen Brustlin Inc., 225 E. Robinson Street, Orlando FL 32801, (407)839-4006, mbertoncini@vhb.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: Todd Alexander, E.I., FDOT Project Manager, (386)943-5420, todd.alexander@dot.state.fl.us or Mark Bertoncini P.E. at Vanasse Hangen Brustlin Inc., (407)839-4006, mbertoncini@vhb.com.

EXECUTIVE OFFICE OF THE GOVERNOR

The Correctional Medical Authority announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2015, 9:00 a.m.

PLACE: The Capitol, Room 2103, 400 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board Meeting.

A copy of the agenda may be obtained by contacting: (850)717-9500.

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: (850)717-9500. 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 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: October 23, 2015, 10:00 a.m.

PLACE: Telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Regional Councils Association Path Forward Committee will hold its bi-weekly meeting.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

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: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. 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: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Commission for the Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2015, 2:00 p.m.

PLACE: Daytona Beach Ocean Center, 100 North Atlantic Avenue, Daytona Beach, Florida 32118, Dial-In Number: 1(888)670-3525; Conference Code: 7993168355

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

A copy of the agenda may be obtained by contacting: Emily Enfinger, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399, (850)410-5700 or 1(800)983-2435.

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: Emily Enfinger, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399, (850)410-5700 or 1(800)983-2435. 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 MANAGEMENT SERVICES

Division of Purchasing

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: This meeting, originally scheduled for October 15, 2015, 10:00 a.m., ET, has been cancelled

PLACE: 4055 Esplanade Way, Crosby's Café Conference Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Public Meeting previously scheduled for October 15, 2015, 10:00 a.m., ET, has been cancelled for DMS-14/15-011 Human Resources Outsourcing - People First.

A copy of the agenda may be obtained by contacting: no agenda required.

For more information, you may contact: any changes to the schedule for this meeting will be posted on the Department's Vendor Bid System (VBS). It is the responsibility of anyone interested in the meeting to check the VBS for updates.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2015, 11:00 a.m., ET

PLACE: 4055 Esplanade Way, Crosby's Café Conference Room, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting for negotiators to discuss best and final offers for DMS-14/15-011 Human Resources Outsourcing - People First and recommendation for award.

There is no dial-in number available for this meeting. All members of the public are welcome to attend at the time and place noted in the notice.

A copy of the agenda may be obtained by contacting: Tammy Davis, tammy.davis@dms.myflorida.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 5 days before the workshop/meeting by contacting: ADA Coordinator, (850)488-0439. 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: Tammy Davis, tammy.davis@dms.myflorida.com.

Any changes to the schedule for this meeting will be posted on the Department's Vendor Bid System (VBS). It is the responsibility of anyone interested in the meeting to check the VBS for updates.

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 announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2015, 9:00 a.m. – 1:00 p.m.

PLACE: Reedy Creek Improvement District, Building & Safety, 1900 Hotel Plaza Blvd., Lake Buena Vista, FL 32830

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Elevator Safety Technical Advisory Council will meet to discuss issues pertaining to elevator safety within the State of Florida.

A copy of the agenda may be obtained by contacting: doug.melvin@myfloridalicense.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 10 days before the workshop/meeting by contacting: doug.melvin@myfloridalicense.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: doug.melvin@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

The Board of Pilot Commissioners announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 28, 2015, 9:00 a.m.

PLACE: Telephone conference: 1(888)670-3525, participant pass code: 5243947159#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1982.

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: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1982. 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: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department Of Environmental Protection announces a hearing to which all persons are invited.

DATES AND TIME: December 1, 2, 3 and 4, 2015, 9:00 a.m.

PLACE: Miami Airport Convention Center, Room 114, 711 Northwest 72nd Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Administrative Law Judge Bram Canter will conduct a hearing, as required by Section 403.516(1)(c), F.S., to consider a petition for modification of the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501-.518, Florida Statutes, for the Florida Power and Light Company Turkey Point Plant Units 3-5, Power Plant Siting Application No. PA 03-45E, OGC Case No.14-0512, DOAH Case No. 15-1559EPP. Judge Canter will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board.

Motions to intervene must be filed (received) with Administrative Law Judge Bram Canter, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, by October 30, 2015. Any agency, including those whose properties or works are being affected pursuant to S. 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. The modification hearing may be cancelled in accordance with Section 403.508(6)(a), F.S.; no earlier than 29 days prior to the conduct of the modification hearing, the department or the applicant may request that the administrative law judge cancel the modification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the modification hearing, and if sufficient time remains for the applicant and the department to publish public notices of the cancellation of the hearing at least 3 days prior to the scheduled date of the hearing.

A copy of the agenda may be obtained by contacting: the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Rd., MS 5500, Tallahassee, Florida 32399-3000, (850)717-9000.

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: the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Rd., MS 5500, Tallahassee, Florida 32399-3000, (850)717-9000. 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 the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Rd., MS 5500, Tallahassee, Florida 32399-3000, (850)717-9000.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
The Acquisition and Restoration Council announces a public meeting to which all persons are invited.
DATE AND TIME: The meeting scheduled for November 5, 2015, 2:00 p.m. – 5:00 p.m. has been cancelled
PLACE: Lykes Brothers, Inc., Ranch, Okeechobee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Fisheating Creek Settlement Advisory Committee.

DEPARTMENT OF HEALTH
Board of Massage Therapy
The Board of Massage announces a public meeting to which all persons are invited.
DATES AND TIME: October 22-23, 2015, 9:00 a.m., EST - CANCELLED
PLACE: Bonaventure Resort & Spa, 250 Racquet Club Road, Weston, FL 33326, (954)389-3300
GENERAL SUBJECT MATTER TO BE CONSIDERED: The previously noticed meeting to be held on October 22-23, 2015, at approximately 9:00 a.m., EST at the Bonaventure Resort & Spa, 250 Racquet Club Road, Weston, FL 33326, (954)389-3300 has been cancelled. Please check the Board web site at <http://floridasmassagetherapy.gov/> for the meeting dates and times.
For more information, you may contact: Claudia Kemp, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Workforce Services
The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.
DATE AND TIME: October 21, 2015, 9:30 a.m.
PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151
GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman’s report. No public testimony will be taken.
A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.
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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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: the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

FLORIDA ASSOCIATION OF COURT CLERKS
The Florida Trust announces a public meeting to which all persons are invited.
DATE AND TIME: October 22, 2015, 8:30 a.m.
PLACE: 3544 Maclay Blvd., Tallahassee, FL 32312
GENERAL SUBJECT MATTER TO BE CONSIDERED: General information related to the management of the Florida Local Government Investment Trust.
A copy of the agenda may be obtained by contacting: Bryant Gries, Trust Operations Manager, at bgries@flclerks.com.
For more information, you may contact: Bryant Gries, Trust Operations Manager, at bgries@flclerks.com or (850)577-4521.

NORTHWEST FLORIDA TRANSPORTATION
CORRIDOR AUTHORITY
The Northwest Florida Transportation Corridor Authority announces a public meeting to which all persons are invited.
DATE AND TIME: October 21, 2015, 10:00 a.m.
PLACE: Courtroom of the South Walton County Annex, 31 Coastal Center Blvd., Santa Rosa Beach, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: a meeting of its Board, its Executive Committee and its Financial Committee.
A copy of the agenda may be obtained by contacting: Alicia Stephen, (850)429-8905 or Alicia.Stephen@hdrinc.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: Alicia Stephen, (850)429-8905 or Alicia.Stephen@hdrinc.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: Alicia Stephen, (850)429-8905 or Alicia.Stephen@hdrinc.com.

MRGMIAMI
The Florida Department of Transportation (FDOT), District One announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, October 21, 2015, 5:00 p.m. – 7:00 p.m.

PLACE: Venice Community Center, located at 326 Nokomis Avenue South, Venice, Florida 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District One, will hold a public information meeting regarding improvements to US 41 Venice By-Pass from Gulf Coast Boulevard to Bird Bay Drive in Venice, Florida. Project #198017-4-52-01.

The meeting will be held as an open house format from 5:00 p.m. to 7:00 p.m. and give interested members of the public the opportunity to talk one-on-one with staff and make comments about the project.

The project includes widening US 41 from four lanes to a six-lane roadway, improving roadway drainage, installing retention ponds, constructing 7-foot bicycle lanes, adding concrete sidewalks and relocating and/or replacing City of Venice water and sewer lines. Upgrades to lighting, signalization, and bus pads are also planned.

FDOT developed this meeting in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability or family status. People requiring special accommodations pursuant to the Americans with Disability Act of 1990 or people that require translation services (free of charge) at the meeting should contact Jamie Schley at (863)519-2573 or jamie.schley@dot.state.fl.us at least seven (7) days prior to the meeting.

A copy of the agenda may be obtained by contacting: Valerie Tutor, Public Information Officer, at vtutor@mrgmiami.com or (941)504-9440.

HATCH MOTT MACDONALD

The Florida Department of Transportation (FDOT) announces a hearing to which all persons are invited.

DATE AND TIME: October 22, 2015, 5:30 p.m. – 6:30 p.m., CT; formal presentation starts at 6:00 p.m., CT

PLACE: Wausau Town Hall, 1607 Second Avenue, Wausau, Florida 32463

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FDOT will hold a public hearing regarding the multi-lane reconstruction of State Road (S.R.) 77 from one mile south of the Wausau City Limits to one mile north of the Wausau city limits. The hearing is being held to provide interested persons an opportunity to review and make comments regarding changes to the roadway alignment, for this 3.5 miles of multi-lane reconstruction of S.R 77 around Wausau.

A preferred alignment on the east side of Wausau was identified in 2006 as part of the Project Development and Environmental (PD&E) Study. Based on an updated value engineering and environmental study of the project, the new

alignment will be around the west side of Wausau. This public hearing is to notify the public of this alignment change. The intent of this project is to design the final alignment and prepare plans for the reconstruction of a portion of S.R. 77 and construction of a new four lane roadway that relocates S.R. 77 around the town of Wausau. Right-of-way is currently funded in FDOT's Five Year Work Program, however, construction is not funded at this time.

A copy of the agenda may be obtained by contacting: Sandra Lamb, P.E., FDOT General Consultant Project Manager, toll-free: 1(866)855-7275 or via email: sandra.lamb@atkinsglobal.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 7 days before the workshop/meeting by contacting: Sandra Lamb, P.E., FDOT General Consultant Project Manager, toll-free: 1(866)855-7275 or via email: sandra.lamb@atkinsglobal.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).

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from David H. Rogel, Esq., In Re: Coco Plum Beach Yacht Club Condominium Association, Inc., Docket No. 2015044470, filed on October 6, 2015. The petition seeks the agency's opinion as to the applicability of Section 718.103(23), Florida Statutes and Section 718.111(11), Florida Statutes, as it applies to the petitioner.

Whether the condominium is a residential condominium pursuant to Section 718.103(23), Florida Statutes? If the condominium is a residential condominium, whether the Association is obligated to maintain property insurance pursuant to Section 718.111(11), Florida Statutes? If the condominium is a non-residential condominium, whether the Association is obligated to maintain property insurance pursuant to Section 718.111(11), Florida Statutes, and/or Section 22.01 of the Declaration?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rikki Anderson, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1415, Rikki.Anderson@myfloridalicense.com.

Please refer all comments to: Robin E. Smith, Senior Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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

DEPARTMENT OF TRANSPORTATION

District Three Fixed Capital Outlay Project Advertisement The Florida Department of Transportation, District Three, requires the services of a contractor to perform Chiller replacement and related renovations for our FDOT Chipley Administration Building in Washington County. Contract Number: E3P13, FM Number: 42548445201. For more information please visit the District Three Contracts Administration website:

http://www.dot.state.fl.us/contractsadministrationdistrict3/FCO_Contracts/FCO_Contracts.shtm.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

T.H. Stone Memorial St. Joseph State Park – Waterline Improvements

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC17-15/16 T.H. Stone Memorial St. Joseph Peninsula State Park – Waterline Improvements. More information is available at <http://tinyurl.com/oqh9hqz>.

Section XII

Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under the State’s Generic Permit for MS4’s

The Department announces receipt of the applications listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems for the City of Groveland. The application is being processed and is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Candace Richards, NPDES Stormwater Program, Department of Environmental Protection, 2600 Blair Stone Road, MS 3585, Tallahassee, FL 32399-2400.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On October 13, 2015, State Surgeon General issued an Order of Emergency Restriction of Certification with regard to the certificate of Danielle Cuccinello, C.N.A., Certificate #: CNA 210844. 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 (2015). 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 HEALTH

Board of Nursing

Notice of Emergency Action

On October 13, 2015, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Hyacinth Oslin Reid, L.P.N., License #: PN 660411. This Emergency Suspension 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 (2015). 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 HEALTH

Board of Nursing

Notice of Emergency Action

On October 12, 2015, the State Surgeon General issued an Order of Emergency Suspension of Certification with regard to the certificate of Claudine N. Smith, C.N.A., Certification #: 25977. This Emergency Suspension 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 (2015). 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 HEALTH

Board of Nursing

Notice of Emergency Action

On October 12, 2015, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Laura Elena Pina, R.N., License #: 9312115. 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. (2015). 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 HEALTH

Board of Nursing

Notice of Emergency Action

On October 12, 2015, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Idelia Florat Viamontes, L.P.N., License #: 5208909. This Emergency Suspension 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. (2015). 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 HEALTH

Board of Osteopathic Medicine

Notice of Emergency Action

On October 13, 2015, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Chuma Gibson Osuji, D.O., License #: OS 8399. This Emergency Suspension 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 (2015). 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 HEALTH

Board of Pharmacy

Notice of Emergency Action

On October 13, 2015, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Chirag Patel, R. Ph., License #: PS 43755. This Emergency Suspension 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 (2015). 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 HEALTH

Board of Pharmacy

Notice of Emergency Action

On October 13, 2015, State Surgeon General issued an Order of Emergency Suspension of Registration with regard to the registration of Amy Catherine Topolski, R.P.T., Registration #: RPT 56822. This Emergency Suspension 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 (2015). 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 HEALTH

Board of Pharmacy

Notice of Emergency Action

On October 12, 2015, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Drew J. Marzen, R.P.T., License #: RPT 53416. This Emergency Suspension 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 (2015). 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 No.: DEO-15-165

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-165 on October 12, 2015, in response to an application submitted by Haile Plantation Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-167

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-167 on October 12, 2015, in response to an application submitted by Sundance Association, Inc., Unit 1 for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-168

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-168 on October 12, 2015, in response to an application submitted by Sundance Association, Inc., Unit 4 for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY DEVELOPMENT
Final Order No.: DEO-15-158

In re: AN ORDINANCE OF THE CITY
COMMISSION OF THE CITY OF
KEY WEST, FLORIDA, ORDINANCE NO. 15-05

FINAL ORDER
APPROVING CITY OF KEY WEST
ORDINANCE NO. 15-05

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to § 380.05(6), Florida Statutes, approving land development regulations adopted by City of Key West, Florida, Ordinance No. 15-05 (the “Ordinance”).

FINDINGS OF FACT

1. The City of Key West is designated by Chapter 28-36, Florida Administrative Code, and pursuant to §380.05, Florida Statutes, as an area of critical state concern.

2. The Ordinance was adopted by Key West, on August 21, 2015, and rendered to the Department on August 31, 2015.

3. The Ordinance, invoking the Zoning in Progress Doctrine, provides time for the City of Key West to review existing land development regulations to determine whether there is a need to adopt amended off-street parking requirements and other relevant land development regulations within the City.

CONCLUSIONS OF LAW

4. 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), Florida Statutes.

5. “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.

6. 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), Florida Statutes. The Principles for Guiding Development for the City of Key West is set forth in Rule 28-36.003, Florida Administrative Code.

7. The Ordinance is consistent with Policy 1-1.14.4 (Administer Land Use Controls), Policy 1-1.15.1 (Review the Impact of Change Indicators on Land Use Policy), and Policy 2-1.1.3 (Dense Urban Land Area) in the City of Key West Comprehensive Plan.

8. The Ordinance is consistent with the Principles for Guiding Development in Rule 28-36.003, as a whole, and is specifically consistent with the following Principles:

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

(1)(e) Protection of the historical heritage of Key West and the Key West Historical Preservation District;

(1)(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 the City of Key West, Ordinance No. 15-05 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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.

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 12th day of October, 2015.

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

By Certified U.S. Mail:

Honorable Craig Cates
Mayor, City of Key West
3126 Flagler Ave.
Key West, FL 33040

Thaddeus Cohen, Director
Planning and Zoning Department
City of Key West
3140 Flagler Ave.
Key West, FL 33040

Cheri Smith, Clerk
City of Key West
3126 Flagler Ave.
Key West, FL 33040

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.
