

Section I
 Notice of Development of Proposed Rules
 and Negotiated Rulemaking

NONE

Section II
 Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:

5E-3.018 Penalties

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt feed enforcement guidelines and penalty provisions in order to standardize enforcement responses to specific violations of Chapter 580, Florida Statutes (F.S.), and Chapter 5E-3, Florida Administrative Code (F.A.C.); to clarify the process by which consumer feed penalties are satisfied; and to establish matrices to ensure the consistency of enforcement penalty determinations.

SUMMARY: The proposed rule will delineate minor rule violations as defined in Section 120.695 F.S., and establish a notice of noncompliance as the initial enforcement response to minor violations. The proposal will also clarify the process by which feed registrants must reimburse consumers for feed determined deficient by certified laboratory analyses, and will update the associated forms FDACS-13255 Notice of Deficiency Payment and FDACS-13256 Receipt of Deficiency Payment. Additionally, the proposed rule will enumerate standard enforcement responses for failure to comply with feed sampling/analysis and distribution reporting requirements as outlined in Rule 5E-3.003 and 5E-3.020, and establish enforcement matrices to ensure the consistency of monetary penalties issued in response to specific deficiencies involving sampling, reporting, or product safety.

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.

There are no regulatory impacts associated with implementing this rule, as the proposed changes will not create any new penalty or enforcement mechanisms and serve only to improve the consistency of enforcement responses to specific violations

of Chapters 580, F.S. and 5E-3, F.A.C. Impacts to small businesses and other regulated entities will occur solely as a function of non-compliance and will not present any additional regulatory burden.

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: 570.07(23), 580.0236(2), 580.036(2) FS.

LAW IMPLEMENTED: 120.695, 570.971, 580.051, 580.065, 580.091, 580.111, 580.121, 580.131, 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: Sarah Oglesby, Chief, Bureau of Licensing and Enforcement, 3125 Conner Boulevard, Bldg. 8, Tallahassee, FL 32399; (850)617-7997; sarah.oglesby@freshfromflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-3.018 Enforcement and Penalties.

(1) Section 580.051(4), F.S., authorizes the department to assess a penalty in the amount of \$100 per violation against the violator for the distribution of commercial feed without labeling as required under Section 580.051(1), F.S. The assessment of a penalty shall be imposed where no labeling is furnished or where labeling of a feed product containing a drug or antibiotic does not show the word "Medicated" in the brand name. ~~is improper according to the following guidelines:~~

- ~~(a) Net weight not shown;~~
- ~~(b) Registrant's name and address not shown;~~
- ~~(c) Feed containing a drug or antibiotic not showing the word "Medicated" in the brand name;~~
- ~~(d) Mixed feeds containing more than 10% minerals, but less than 50% which do not show the required guarantees for calcium, phosphorus and salt as specified in subsection 5E-3.006(3), F.A.C.;~~
- ~~(e) Mixed feeds containing more than 50% minerals which do not show the required mineral guarantees as specified in subsection 5E-3.006(4), F.A.C.;~~
- ~~(f) Illegible labels;~~
- ~~(g) Feed containing bentonite or other non nutritive ingredients not declaring the required percentages;~~
- ~~(h) Crude protein, crude fat or crude fiber not guaranteed to the closest one-tenth percent or as minimum or maximum percentages as required.~~

(2) All penalties assessed under Section 580.131, F.S., must be paid to the consumer within 60 days from the date of notice by the department to the registrant.

~~(a)~~ When payment has been made in full to the consumer, the registrant must notify the department in writing at the Florida Department of Agriculture and Consumer Services, Bureau of Licensing and Enforcement, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650 of the form of the payment using the form entitled "Notice of Deficiency Payment" (Form FDACS 13255, Rev. 05/19 8/04), which is hereby adopted and incorporated by reference in this rule and is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx>, and provide the department with a copy of a release of the registrant from liability for the payment on the form entitled, "Receipt of Deficiency Payment" FDACS 13256, (Rev. 05/19), which is hereby adopted and incorporated by reference in this rule and is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx>. The release must be procured by the registrant from the consumer. ~~This release shall be on the Receipt of Deficiency Payment (Form DACS 13256, Rev. 8/01).~~

~~(b) The following forms are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488 7626.~~

~~1. Notice of Deficiency Payment (Form DACS 13255, Rev. 8/01).~~

~~2. Receipt of Deficiency Payment (Form DACS 13256, Rev. 8/01).~~

(3) Sampling Penalties:

(a) Enforcement. Section 580.121(1), F.S., authorizes the department to impose an administrative penalty against any person who violates a provision of Chapter 580, F.S. or Chapter 5E-3, F.A.C. The following are requirements of sampling as outlined in Section 580.091, F.S. and Rule 5E-3.003, F.A.C., for which an administrative penalty will be imposed:

1. Failure to submit a minimum of one (1) sample by the end of the first quarter (September 30th) of each fiscal year as required by subsection 5E-3.003(4), F.A.C. will result in the issuance of a warning letter. Failure to submit a minimum of one (1) sample by the end of the first quarter for two consecutive years will result in an administrative fine in the amount of \$250.00.

2. Failure to submit any samples for a given Fiscal Year (July 1 – June 30), including the first quarter sample as required in subparagraph 1. will result in a Stop-Sale as described in Section 580.111, F.S., and administrative fine as described in paragraph 5E-3.018(3)(b), F.A.C. The department shall release the commercial feed or feedstuff when the provisions and rules have been complied with and all administrative fines have been paid in full.

3. Further refusal to submit samples for the second consecutive fiscal year will result in increased fines, as outlined in paragraph 5E-3.018(3)(b), F.A.C., not to exceed \$1000 per violation and suspension of the feed master registration. As authorized in Section 578.12, F.S., a suspension will incur a stop-sale of the products distributed by that licensee until such a time that all provisions and rules have been complied with and all administrative fines have been paid in full.

4. Failure to meet all requirements of sampling as outlined in Rule 5E-3.003, F.A.C., including submission of any number of samples less than what is required under Rule 5E-3.003, F.A.C., for a consecutive three (3) year period will result in increased fines as outlined in paragraph 5E-3.018(3)(b), not to exceed \$1,000 per violation and a suspension of the feed master registration. As authorized in Section 578.12, F.S., a suspension will incur a stop-sale of the products distributed by that licensee until such time that all provisions and rules have been complied with and all administrative fines have been paid in full.

5. Distribution of products while under suspension and/or failure to comply with a final order issued by the department will result in revocation of the feed master registration.

(b) Sampling Fine Calculations. The fine calculations for failure to perform the feed sampling requirements in Section 580.091(2), F.S. and subsection 5E-3.003(4), F.A.C., are determined by compliance history and the average estimated cost of the tests not performed:

First year of non-compliance 2.0 x the Cost of Tests not Performed = Fine Amount not to exceed \$1000 per sample violation

Second consecutive year of non-compliance 4.0 x the Cost of Tests not Performed = Fine Amount not to exceed \$1000 per sample violation

Third consecutive year of non-compliance 6.0 x the Cost of Tests not Performed = Fine Amount not to exceed \$1000 per sample violation and suspension of feed master registration for up to 6 months.

The average estimated cost of each test is as follows:

1. Protein, Fat and Fiber (PFF) - \$44.00

2. Aflatoxin - \$41.00

3. Vomitoxin - \$50.00

4. Fumonisin - \$64.00

(4) Tonnage Reporting Enforcement. Section 580.121(1), F.S., authorizes the department to impose an administrative penalty against any person who violates a provision of Chapter 580, F.S., or Chapter 5E-3, F.A.C. The following are requirements of tonnage reporting as outlined in Section 580.041(1)(c)3., F.S. and Rule 5E-3.020, F.A.C., for which an administrative penalty will be imposed.

(a) Failure to submit tonnage reports as outlined in Rule 5E-3.020, F.A.C., within 30 days of the end of the first quarter will result in the issuance of a notice of non-compliance. Failure to submit a tonnage report within five (5) consecutive days after receipt of the notice of non-compliance shall result in the issuance of a warning letter.

(b) Failure to submit tonnage reports as outlined in paragraph 5E-3.018(4)(a), F.A.C., for two (2) quarters within a three (3) year compliance period, shall result in the issuance of an administrative fine in the amount of \$250.

(c) Failure to submit tonnage reports as outlined in paragraph 5E-3.018(4)(a), F.A.C., for any three (3) quarters within a three (3) year compliance period, shall result in a Stop-Sale as described in Section 580.111, F.S., and the issuance of an administrative fine in the amount of \$500. The Stop-Sale shall remain in effect until such a time that all administrative fines have been paid in full and delinquent tonnage has been submitted.

(d) Distribution of products while under Stop-Sale shall result in revocation of the feed master registration.

(5) Notice of Noncompliance. Any department investigation or inspection which reveals minor violations of this rule chapter in which the department determines that the violator was unaware of the rule or unclear as to how to comply with it will result in the issuance of a notice of noncompliance as the department's first response to the minor violation. The following violations shall result in the issuance of a notice of noncompliance:

(a) Failure to comply with subsection 5E-3.018(2), F.A.C.

(b) Failure to comply with paragraphs 5E-3.003(3)(a)-(c), F.A.C.

(c) Failure to comply with subsection 5E-3.020(1), F.A.C.

(6) Warning Letters. After failure to comply with a notice of noncompliance, a warning letter shall be issued for any violations classified in this rule as minor violations. A warning letter may be issued for any first-time major violation.

(7) Major violations. Major violations are all violations other than those classified as minor violations.

(8) Fines. For major violations or repeat minor violations, the Department may issue a warning letter or impose an administrative fine not to exceed \$1,000 per violation plus any other penalty allowed by the law including suspension or revocation of the feed master registration. When imposing a fine, the Department will consider the degree and extent of harm or potential harm, that was or could have been caused by the violation, whether the violation was committed willfully, the compliance history of the violator, and the scope of the violation.

(9) Fine Guide. FINE GUIDE = A(B+C+D+E)\$50. This guide shall apply for each violation for which a fine is imposed with the exception of those violations addressed in subsections

5E-3.003(3) and (4), F.A.C., relating to feed sampling and tonnage reporting. The maximum fine is \$1,000 per violation. The terms and values used in the fine guide calculation shall be:

1. DEGREE AND EXTENT OF HARM

A = Animal, Human and Environmental Hazards

1 No animal, human or environmental effects identified,

2 Possibility, probability, or potential for harm existed,

or

3 Any harm to animals, humans or the environment.

B = Level of financial harm to the consumer that is created

by the violation

1 Unknown or under \$1000,

2 \$1000 or over and under \$5000, or

3 \$5000 or over.

2. WHETHER THE VIOLATION WAS COMMITTED

WILLFULLY

C = Whether the violation was committed willfully.

1 No evidence or insufficient evidence of willful intent

by the violator, or

3 Evidence of willful intent by the violator.

3. COMPLIANCE RECORD OF THE VIOLATOR

D = Compliance record of the violator

0 No prior actions

1 One prior action dissimilar to the current violation.

2 Two or more prior actions dissimilar to current violation.

3 Previous action for the same or similar violation or previously fined for a different violation, or

4 Previous action for the same or similar violation.

4. SCOPE OF THE VIOLATION

E = The scope of the violation and/or distribution of the violative product(s)

1 Very limited distribution, quantity or limited purchasers; violation is limited to a single lot.

2 Distribution is limited to a specific region of the state; violations are limited to one or two products; quantity of product distributed is small (<50 ton distributed); small number of animals effected.

3 Distribution is statewide and/or impacts other states; violations are seen in multiple products across multiple lots; quantity of products distributed is large (>50 tons effected), or

4 Distribution is unlimited, potentially nationwide.

Rulemaking Authority ~~401~~, 570.07(23), 580.0236(2), 580.036(2) FS. Law Implemented 120.695, 570.971, 580.051, 580.065, 580.091, 580.111, 580.121, 580.131 FS. History--New 3-4-87, Amended 3-31-93, 6-1-95, 11-14-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kelly Friend, Director, Division of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture, Nicole “Nikki” Fried
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2019
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 18, 2019, Issue: 45/118

COMMISSION ON ETHICS

RULE NO.: RULE TITLE:
 34-8.002 General Rules for Filing the CE Form 6 - Full and Public Disclosure of Financial Interests
 34-8.008 Final Filing Using the CE Form 6F
 34-8.009 Amended Filing Using the CE Form 6X
 34-8.202 General Rules for Filing the CE Form 1 - Statement of Financial Interests
 34-8.208 Final Filing Using the CE Form 1F
 34-8.209 Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: The purpose of the proposed amendment is to update, clarify, and re-adopt the forms and their instructions incorporated by reference in Chapter 34-8, F.A.C., and to address changes required by law. All of the forms and instructions will reference the 2019 filing year. Rules 34-8.002 and 34-8.008, F.A.C., are being amended to add to the instructions for CE Form 6 and CE Form 6F that members of an expressway agency created pursuant to Chapter 348 or 343, F.S., are required to file those forms. Rules 34-8.202 and 34-8.208, F.A.C., are being amended to omit from the instructions for CE Form 1 and CE Form 1F assistant bureau chiefs from the definition of individuals required to file those forms and to clarify the threshold amount provided for in Section 287.017, F.S., for purchasing agents required to file those forms has been raised from CATEGORY ONE (\$20,000) to CATEGORY TWO (\$35,000). And Rule 34-8.202, F.A.C., is being amended to clarify in CE Form 1 that the disclosure period is the calendar year.

SUMMARY: This rulemaking affects the CE Form 6 -Full and Public Disclosure of Financial Interests; CE Form 6F-Final Full and Public Disclosure of Financial Interests; CE Form 6X-Amendment to Full and Public Disclosure of Financial Interests; CE Form 1-Statement of Financial Interests; CE Form 1F-Final Statement of Financial Interests; and CE Form 1X-Amendment to Statement of Financial Interests. The rulemaking also affects instructions for completing those forms.
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: Approximately 40,000 persons are required by law to file the CE Form 6 or CE Form 1 (and related forms) each year, depending on their positions. Other than the amount of time they expend to complete the forms, any economic impact is nominal. The Commission absorbs in its annual budget the costs of printing and distributing its forms. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost alternative, must do so in writing within 21 days of this notice.

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: Art. II, s. 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.322, F.S.

LAW IMPLEMENTED: Art. II, s. 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.312, 112.322, F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 26, 2019, 9:00 a.m.
PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Diana Westberry, Executive Secretary, Florida Commission on Ethics (850)488-7864. 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: Caroline Klancke, Senior Attorney, Florida Commission on Ethics (850)488-7864.

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her

financial interests with the Commission by July 1 of the following year, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Commission. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person's most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The CE Form 6 (1/2020) ~~(1/2019)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09835>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. A candidate for an elective office specified in rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE January 1, 2020.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History–New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19,____.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F – Final Full and Public Disclosure of Financial Interests. The CE Form 6F (1/2020) ~~(1/2018)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09830>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE January 1, 2020.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) FS. Law Implemented 112.3144(5) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19,____.

34-8.009 Amended Filing Using the CE Form 6X.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The CE Form 6X (1/2020) ~~(1/2018)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08810>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE January 1, 2020.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) FS. Law Implemented 112.3144(7) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18,____.

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the Supervisor of Elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Supervisor of Elections. The CE Form 1 (1/2020) ~~(1/2019)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09828>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE January 1, 2020.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS., 112.312(10), FS. Ch. 2018-179, Section 1, LOF. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19,____.

34-8.208 Final Filing Using the CE Form 1F.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial

Interests. The CE Form 1F (1/2020) ~~(1/2018)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09822>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE January 1, 2020.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS., ~~Ch. 2018-179, Section 1, LOF.~~ History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, ____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X – Amendment to Form 1 Statement of Financial Interests. The CE Form 1X (1/2020) ~~(1/2018)~~

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08813>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE January 1, 2020.

Rulemaking Authority 112.3145(9), 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Caroline Klancke, Senior Attorney, Florida Commission on Ethics.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Virindia Doss, Executive Director, Florida Commission on Ethics.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 6/24/2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 6/25/2019

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-30.0034 Change in Status of License
65D-30.0046 Staff Training, Qualifications, and Scope of Practice

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 250, December 29, 2017 issue of the Florida Administrative Register. In rule 65D-30.0034, language will be added to clarify that the online "Application for Licensure to Provide Substance Use Services" is incorporated by reference.

In rule 65D-30.0046, a reference to incident reporting procedures and requirements will be corrected.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:
58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on June 18, 2019, the Florida Department of Elder Affairs, received a petition for emergency waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from HIGHLANDS AT THE GLENRIDGE ON PALMER RANCH (THE). Any interested person or other agency may submit written comments on the petition within 5 days after this

notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on April 19, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BRIGHTON GARDENS OF BOCA RATON. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

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 June 24, 2019, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for OCEAN WAY CONDOMINIUMS at 1912 Gulf Blvd, Indian Rocks Beach, FL. Petitioner seeks an emergency variance of the requirements of Rule 101.2b, ASME A17.1b, 1998 edition, as adopted by Rule 61C-5.001, Florida Administrative Code that states only equipment required for the operation of the elevator be located in the machine room which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW 2019-120).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dh.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-31.008 Licensure by Endorsement

The Board of Accountancy hereby gives notice: of the issuance of an Order regarding the Petition for Waiver or Variance, filed on March 4, 2019, by Michele Luppens. The Notice of Petition for Waiver or Variance was published in Vol. 45, No. 51, of the March 14, 2019, Florida Administrative Register. Petitioner sought a waiver or variance of Rule 61H1-31.008, F.A.C., entitled, "Licensure by Endorsement," which states that the application fee for license by endorsement provided in Section 473.308, F.S. shall be \$250.00 per person.

The Board considered the instant Petition at a duly-noticed public meeting, held May 17, 2019, in Tampa, Florida. The Board's Order, filed on June 12, 2019, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statutes, Sections 473.305 and 473.308, Florida Statutes, would be met by granting a variance from Rule 61H1-31.008, F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Angela Francis, Acting Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

NOTICE IS HEREBY GIVEN that on June 21, 2019, the Board of Hearing Aid Specialists, received a petition for waiver or variance filed by Jessica Tamayo seeking a variance or waiver of Rule 64B6-8.003, F.A.C., regarding training requirements. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Janet Hartman, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-560.703 Money Transmitters

NOTICE IS HEREBY GIVEN that on June 21, 2019, the Office of Financial Regulation, received a petition for withdrawal of the original Petition for Waiver from Western Union Business Solutions (USA), LLC., filed March 25, 2019.

The petition sought a Waiver of paragraph 69V-560.703(1)(d) which requires a money transmitter to maintain records of the name and address of the beneficiary or recipient of all inbound and outbound transmissions. paragraph 69V-560.703(1)(d),

Florida Administrative Code, implements the provisions of subsection 560.1105(1) and Section 560.211, Florida Statutes. A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-560.703 Money Transmitters

NOTICE IS HEREBY GIVEN that on June 21, 2019, the Office of Financial Regulation, received a petition for Waiver of paragraph 69V-560.703(1)(d) from Western Union Business Solutions (USA), LLC. The petition seeks a Waiver of paragraph 69V-560.703(1)(d) which requires a money transmitter to maintain records of the name and address of the beneficiary or recipient of all inbound and outbound transmissions. paragraph 69V-560.703(1)(d), Florida Administrative Code, implements the provisions of subsection 560.1105(1) and Section 560.211, Florida Statutes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

The Miami Dade College announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2019, 9:00 a.m.

PLACE: MDC Kendall Campus, 11011 SW 104 Street, Miami Fl, 33176; Building 9, Room 9210.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Second public Evaluation Committee Meeting to be held related to Request for Proposals (RFP) 2019-RM-27 - Janitorial Supplies College-wide. In the event this meeting is cancelled or postponed, notification will be posted on the MDC Website, (www.mdc.edu/purchasing).

Important to note that this procurement process adheres to the “Cone of Silence” as per College Procedure 6600; no verbal or written communication is allowed during this RFP process unless it is exclusively requested by the Purchasing Department to be utilized for evaluation purposes of this RFP selection process.

A copy of the agenda may be obtained by contacting: Miami Dade College, Office of the Purchasing Director, 11011 SW

104 Street, Room 9254, Miami, FL 33176 or by calling (305)237-2402.

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: Rossella Montejo, Buyer – Purchasing Department, Phone: (305)237-0009, Fax: (305)237-0737, Email: Rmontejo@mdc.edu.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 9, 2019, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing during regular scheduled Board Meeting Authorizing the Conveyance of 9.54 +/- Acres in Hamilton County for 20+/- Acres of the District’s Blue Sink Tract in Suwannee County and Authorizing the Use of Funds.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Robin Lamm at (386)362-1001 or 1(800)226-1066 (Florida only) or on the District’s website at www.mysuwanneeriver.com. When published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATES AND TIMES: August 5, 2019, 11:00 a.m.; August 6, 2019, 9:00 a.m.

PLACE: Four Points by Sheraton Suites Tampa Airport Westshore, 4400 W. Cypress Street, Tampa, FL 33607, 1(813)873-8675.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice will replace notice #22015040

General board business and disciplinary matters.

A copy of the agenda may be obtained by contacting: www.floridaspharmacy.gov.

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: (850)245-4474. 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: (850)245-4474.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Board of Pharmacy Temperature Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 5, 2019, 9:00 a.m.

PLACE: Four Points by Sheraton Suites Tampa Airport Westshore, 4400 W. Cypress Street, Tampa, FL 33607, 1(813)873-8675.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting regarding discussion and actions regarding current and proposed rules.

A copy of the agenda may be obtained by contacting: www.floridaspharmacy.gov.

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: (850)245-4474. 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: (850)245-4474.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

The Department of Children and Families announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 17, 2019, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call Number: 1(888)585-9008, Participant Code: 680-104-491

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Independent Living Services Advisory Council to conduct general Council business and continue their efforts of reviewing the implementation and operation of Extended Foster Care, Postsecondary Education Services and Support, and Aftercare Services.

Council duties include but are not limited to Assess, Advise, and Report on:

- Implementation and operation of Extended Foster Care (EFC), Postsecondary Education Services and Support (PESS), and Aftercare Services
- Actions that would improve programs to meet established goals
- Problems experienced or identified
- Barriers to effective and efficient integration of services across systems
- Successes that system of care has achieved
- Efforts to publicize the availability of EFC, PESS, and Aftercare Services

A copy of the agenda may be obtained by contacting: Brandie McCabe, Department of Children and Families, phone (850)717-4218 or email brandie.mccabe@myflfamilies.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 1 days before the workshop/meeting by contacting: Brandie McCabe, Department of Children and Families, phone (850)717-4218 or email brandie.mccabe@myflfamilies.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).

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

The Wildlife Alert CSO announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 10, 2019, 1:00 p.m.

PLACE: Via conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wildlife Alert marketing updates, Updated Wildlife Alert reward association CSO MOA, Outreach proposal

A copy of the agenda may be obtained by contacting: Hailee Melott; Hailee.Melott@MyFWC.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 2 days before the workshop/meeting by contacting: 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: Hailee Melott.

**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 declined to rule on the petition for declaratory statement filed by Robert Harbage, In Re: Covered Bridge Condominium Association, Inc., Docket No. 2019014556 on March 19, 2019. The following is a summary of the agency's declination of the petition: The Petitioner did not clarify whether he is filing as a unit owner, or as a qualified representative; the Petitioner is not a substantially affected person as contemplated by Section 120.565, Florida Statutes; and the Division is unable to issue a declaratory statement that seeks guidance for the determination of conduct of another person.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030; (850)488-1631; lscmhpublicrecords@myfloridalicense.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

University of Florida

Advertisement for Professional Services

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-200, New Public Safety Building (Gainesville, FL)

The project consists of the following: The project will provide for a new University Police Department facility to house the University of Florida Police Department [UFPD] departments. Currently, UFPD is housed in five separate buildings not originally designed for police department operations including a temporary triple-wide trailer structure, all located on the southeast corner of Museum Road and Newell Drive. Additionally, the UFPD Dispatch staff is housed in the adjacent Centrex Building. The University is proposing to construct a New Public Safety Building to accommodate all current and future operational needs, as well as serve as the main on-campus Shelter-in-Place facilities in the event of natural or manmade emergencies.

The estimated construction budget is \$14,000,000 and includes site work, new surface parking areas and upgrades to underground utilities. The project shall be delivered using either the Construction Management at Risk method or the Design-Bid-Build model. Being a triple accredited police agency, doing

business and serving the campus community in the digital age, the new UFPD building must be a state-of-the-art facility. The new building shall convey an iconic image to current and prospective faculty, staff, and students, as well as visiting faculty and alumni.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Workers' Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering and landscape architecture consultants (firms) from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.
6. File size limitations: 30 MB, including email

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Planning Design& Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time, on Thursday, August 8, 2019. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction, 245 Gale Lemerand Drive / P.O. Box 115050, Gainesville, FL 32611-5050, Telephone: (352)273-4000, Internet: www.facilities.ufl.edu.

DEPARTMENT OF EDUCATION

University of Florida

UF-623 Thermal Utilities Infrastructure CM Selection

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk pre-construction services will be required for the project listed below:

Project: UF-623, Thermal Utilities Infrastructure (Gainesville, FL)

The project consists of providing construction services of a large underground thermal infrastructure in the heart of campus. The selected Construction Manager will need to provide both construction and pre-construction services while minimizing disruption to campus.

The large thermal infrastructure segments comprise a total of 8,800 linear feet of large diameter chilled water pipe and 11,300 linear feet of steam and condensate pipe of various diameters as well as replacement of ancillary manholes with structural issues and relocated utilities impacted by the thermal infrastructure.

The major corridors where this thermal infrastructure will be constructed is listed below:

Museum Road from Hume Residence Halls to Beaty Tower;

Center Drive near the health science center and south of Museum Road;

Gale Lemerand Drive from Museum Road to Mowry Road;

Mowry Road from Gale Lemerand Drive to Center Drive;

Newell Drive south of Museum Road to Shands.

The total project budget is \$45,000,000, including underground thermal infrastructure, including steam/condensate and chilled water piping.

The contract for construction management services will consist of two phases, pre-construction/logistics and construction. Pre-construction services will begin immediately and will include evaluating phasing and management of traffic around campus, road impacts, production of cost studies and estimates; value engineering; analysis of the design documents for construction logistics, constructability, coordination, detailing, materials, and systems; development of the construction schedule; and production of detailed jobsite management plans.

This second phase of the contract will include: development of strategies for the procurement of trade contracts; development of waste management strategies; and development of a Guaranteed Maximum Price (GMP) proposal based on 100% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, Workers' Compensation, and Builder's Risk.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the CMQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant firm's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity and liability insurance coverage.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Agreement for CM Services, and other project and process information – can be found on the Planning Design & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the electronic copy prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time on Monday July 29, 2019. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction, 245 Gale Lemerand Drive / P.O. Box 115050, Gainesville, FL 32611-5050, Telephone: (352)273-4000, Internet: www.facilities.ufl.edu.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

DMS-18/19-071 Central Office Telecommunication Services

Notice of Solicitation

DMS-18/19-071 Central Office Telecommunication Services

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

DATE AND TIME: July 24, 2019, 2:30 p.m. Eastern

PLACE: 4050 Esplanade Way, Conference Room 109, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a public opening is hereby noticed for the following Invitation to Bid No.: DMS-18/19-071, entitled "Central Office Telecommunication Services".

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 subsection 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Register (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

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 business days before the workshop/meeting by contacting: The Department's Americans with Disabilities Act (ADA) Coordinator at (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).

It is the responsibility of anyone interested in the meetings to check the VBS for updates.

For more information, you may contact: Caitlen Boles, Procurement Officer at dms.purchasing@dms.myflorida.com.

City of Miramar

CITY OF MIRAMAR PUBLIC NOTICE RLOI # 19-06-27

Request for Letters of Interest for Alternative Proposals for Development, Operation and Maintenance of a Soccer Complex and Other Facilities

PUBLIC NOTICE: The City of Miramar is providing a Notice of the Receipt of an Unsolicited Proposal for the Development, Operation and Maintenance of a Soccer Complex and Other Facilities Project On City-Owned Land in the City of Miramar, Florida.

Receipt of proposals: until 2:00 p.m. on Thursday, July 25th, 2019. Parties interested in responding may obtain RLOI package from www.demandstar.com.

Denise Gibbs, MMC, City Clerk

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Wednesday, June 19, 2019 and 3:00 p.m., Tuesday, June 25, 2019.

Rule No.	File Date	Effective Date
5J-4.004	6/21/2019	7/11/2019
5J-4.014	6/21/2019	7/11/2019
5J-6.005	6/21/2019	7/11/2019
5J-6.016	6/21/2019	7/11/2019
5J-9.002	6/21/2019	7/11/2019
5J-9.006	6/21/2019	7/11/2019
5J-12.002	6/21/2019	7/11/2019
5J-13.002	6/21/2019	7/11/2019
5J-13.003	6/21/2019	7/11/2019
5J-15.001	6/21/2019	7/11/2019
5J-17.007	6/21/2019	7/11/2019
5J-17.021	6/21/2019	7/11/2019
5J-17.085	6/21/2019	7/11/2019
5J-20.001	6/20/2019	7/10/2019
5J-20.002	6/20/2019	7/10/2019
5J-20.012	6/20/2019	7/10/2019
5J-20.013	6/20/2019	7/10/2019
5J-20.021	6/20/2019	7/10/2019
5J-20.023	6/20/2019	7/10/2019
5J-20.025	6/20/2019	7/10/2019
5J-20.026	6/20/2019	7/10/2019
5J-20.028	6/20/2019	7/10/2019
5J-20.029	6/20/2019	7/10/2019
5J-20.042	6/20/2019	7/10/2019
5J-20.044	6/20/2019	7/10/2019
5J-20.046	6/20/2019	7/10/2019
5J-20.047	6/20/2019	7/10/2019
5J-20.049	6/20/2019	7/10/2019
5J-20.050	6/20/2019	7/10/2019
5J-20.051	6/20/2019	7/10/2019
5J-20.060	6/20/2019	7/10/2019
5J-20.061	6/20/2019	7/10/2019
5J-20.062	6/20/2019	7/10/2019
5J-20.063	6/20/2019	7/10/2019

5J-20.064	6/20/2019	7/10/2019
5J-20.065	6/20/2019	7/10/2019
5J-20.066	6/20/2019	7/10/2019
5J-20.072	6/20/2019	7/10/2019
5J-20.073	6/20/2019	7/10/2019
5J-20.078	6/20/2019	7/10/2019
5J-20.082	6/20/2019	7/10/2019
5J-23.001	6/20/2019	7/10/2019
5J-23.0015	6/20/2019	7/10/2019
5J-23.002	6/20/2019	7/10/2019
5J-23.003	6/20/2019	7/10/2019
5J-24.003	6/20/2019	7/10/2019
11B-20.001	6/19/2019	7/9/2019
11B-20.0014	6/19/2019	7/9/2019
11B-27.002	6/19/2019	7/9/2019
11B-27.004	6/19/2019	7/9/2019
11B-27.014	6/19/2019	7/9/2019
11B-30.006	6/19/2019	7/9/2019
11B-35.001	6/19/2019	7/9/2019
11B-35.009	6/19/2019	7/9/2019
11C-6.009	6/19/2019	7/9/2019
11C-7.006	6/19/2019	7/9/2019
11C-7.007	6/19/2019	7/9/2019
11C-7.009	6/19/2019	7/9/2019
11C-7.010	6/19/2019	7/9/2019
11D-9.001	6/19/2019	7/9/2019
11D-9.002	6/19/2019	7/9/2019
11D-9.005	6/19/2019	7/9/2019
11D-9.006	6/19/2019	7/9/2019
11D-10.003	6/19/2019	7/9/2019
11N-1.0001	6/19/2019	7/9/2019
11N-1.002	6/19/2019	7/9/2019
11N-1.0021	6/19/2019	7/9/2019
11N-1.0022	6/19/2019	7/9/2019
11N-1.003	6/19/2019	7/9/2019
11N-1.0031	6/19/2019	7/9/2019
11N-1.004	6/19/2019	7/9/2019
11N-1.005	6/19/2019	7/9/2019
11N-1.0051	6/19/2019	7/9/2019
11N-1.006	6/19/2019	7/9/2019
11N-1.009	6/19/2019	7/9/2019

12-26.008	6/18/2019	7/8/2019
12A-19.071	6/18/2019	7/8/2019
12AER19-04	6/19/2019	6/19/2019
12D-16.002	6/19/2019	7/9/2019
18-21.021	6/20/2019	7/10/2019
18-21.022	6/20/2019	7/10/2019
25-12.005	6/20/2019	7/10/2019
61B-35.001	6/24/2019	7/14/2019
61G3-16.0091	6/19/2019	7/9/2019
61G3-25.004	6/19/2019	7/9/2019
61G3-25.005	6/19/2019	7/9/2019
62-761.300	6/19/2019	7/9/2019
62-761.400	6/19/2019	7/9/2019
62-761.430	6/19/2019	7/9/2019
62-761.700	6/19/2019	7/9/2019
62-761.850	6/19/2019	7/9/2019
62-761.900	6/19/2019	7/9/2019
62-762.301	6/19/2019	7/9/2019
62-762.401	6/19/2019	7/9/2019
62-762.701	6/19/2019	7/9/2019
62-762.702	6/19/2019	7/9/2019
62-762.851	6/19/2019	7/9/2019
62-762.901	6/19/2019	7/9/2019
64B4-3.003	6/20/2019	7/10/2019
67-21.001	6/21/2019	7/11/2019
67-21.002	6/21/2019	7/11/2019
67-21.0025	6/21/2019	7/11/2019
67-21.003	6/21/2019	7/11/2019
67-21.004	6/21/2019	7/11/2019
67-21.0045	6/21/2019	7/11/2019
67-21.006	6/21/2019	7/11/2019
67-21.007	6/21/2019	7/11/2019
67-21.008	6/21/2019	7/11/2019
67-21.009	6/21/2019	7/11/2019
67-21.010	6/21/2019	7/11/2019
67-21.013	6/21/2019	7/11/2019
67-21.014	6/21/2019	7/11/2019
67-21.015	6/21/2019	7/11/2019
67-21.017	6/21/2019	7/11/2019
67-21.018	6/21/2019	7/11/2019
67-21.019	6/21/2019	7/11/2019

67-21.025	6/21/2019	7/11/2019
67-21.026	6/21/2019	7/11/2019
67-21.027	6/21/2019	7/11/2019
67-21.028	6/21/2019	7/11/2019
67-21.029	6/21/2019	7/11/2019
67-21.030	6/21/2019	7/11/2019
67-21.031	6/21/2019	7/11/2019
67-48.001	6/21/2019	7/11/2019
67-48.002	6/21/2019	7/11/2019
67-48.004	6/21/2019	7/11/2019
67-48.007	6/21/2019	7/11/2019
67-48.0072	6/21/2019	7/11/2019
67-48.0075	6/21/2019	7/11/2019
67-48.009	6/21/2019	7/11/2019
67-48.0095	6/21/2019	7/11/2019
67-48.010	6/21/2019	7/11/2019
67-48.0105	6/21/2019	7/11/2019
67-48.013	6/21/2019	7/11/2019
67-48.014	6/21/2019	7/11/2019
67-48.015	6/21/2019	7/11/2019
67-48.017	6/21/2019	7/11/2019
67-48.018	6/21/2019	7/11/2019
67-48.019	6/21/2019	7/11/2019
67-48.020	6/21/2019	7/11/2019
67-48.0205	6/21/2019	7/11/2019
67-48.022	6/21/2019	7/11/2019
67-48.023	6/21/2019	7/11/2019
67-48.027	6/21/2019	7/11/2019
67-48.028	6/21/2019	7/11/2019
67-48.029	6/21/2019	7/11/2019
67-48.030	6/21/2019	7/11/2019
67-48.031	6/21/2019	7/11/2019
67-48.040	6/21/2019	7/11/2019
67-48.041	6/21/2019	7/11/2019

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

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-3.009	12/5/2018	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Next Ride LLC for the establishment of MVAU motorcycles
Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that MV Agusta USA, LLC, intends to allow the establishment of Next Ride LLC, as a dealership for the sale and service of motorcycle manufactured by MV Agusta Motor S.P.A. (line-make MVAU) at 7202 East Adamo Drive, Tampa, (Hillsborough County), Florida 33619, on or after July 26, 2019.

The name and address of the dealer operator(s) and principal investor(s) of Next Ride LLC are dealer operator(s): Trever Varney, 7202 Adamo Drive, Tampa, Florida 33619; principal investor(s): Trever Varney, 7202 Adamo Drive, Tampa, Florida 33619.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Megan R. Galonski, MV Agusta USA, LLC, 10 Canal Street, Suite 224, Bristol, Pennsylvania 19007.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Vespa of Central Florida LLC for the establishment of MOTV motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More

than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Vespa of Central Florida LLC, d/b/a Vespa Orlando as a dealership for the sale and service of motorcycle manufactured by Motive Power Industry Co., Ltd. (line-make MOTV) at 930 Orange Avenue, Winter Park, (Orange County), Florida 32789, on or after July 26, 2019.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Central Florida LLC, d/b/a Vespa Orlando are dealer operator(s): Bruce Albertson, 930 Orange Avenue, Winter Park, Florida 32789; principal investor(s): Bruce Albertson, 930 Orange Avenue, Winter Park, Florida 32789.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Sarah Miyashiro, Genuine Scooters LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION
NOTIFICATION (FCEN)

TOWN OF JENNINGS

The Florida Department of Environmental Protection (DEP) has determined that the Town of Jennings project involving the replacement of approximately 310 deteriorated residential and commercial water meters with new meters having automatic meter reading devices is not expected to generate controversy over potential environmental effects. The estimated cost of the project is \$175,000. This project may qualify for a Drinking

Water State Revolving Fund (SRF) loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the FCEN can be obtained by writing to Gregg Caro, SRF Program, DEP, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, or calling (850)245-2982 or emailing gregg.caro@dep.state.fl.us.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On June 25, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Sharon M. Lacy, L.M.T., License # MA 81216. 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 subsections 456.073(8) and 120.60(6) Florida Statutes (2018). 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 June 25, 2019, the State Surgeon General issued an Order of Emergency Restriction with regard to the license of Kelly Lynn Wigington, R.N., License # RN 3312422. 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 subsections 456.073(8) and 120.60(6) Florida Statutes (2018). 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

DERELICT VESSEL REMOVAL GRANT 2018-2019 4th OPPORTUNITY ANNOUNCEMENT

The Florida Fish and Wildlife Conservation Commission (FWC) is announcing the opportunity for State, County, Municipal and other authorized governmental entities, to apply for Derelict Vessel Removal Grants. The Fourth application period for the Bulk Derelict Vessel Removal Grant Program will begin on Monday July 1, 2019, 8:00 a.m. (ET), and end on Wednesday, August 14, 2019, 5:00 p.m. (ET). Applications received after Wednesday, August 14, 2019, will not be eligible for consideration in round four. All removal applications must demonstrate proof that due process was provided for each vessel's owner. At a minimum, this would include an opportunity for the vessel owner to challenge the derelict vessel

determination, either in criminal court or in an administrative hearing. Vessel cases not demonstrating that these opportunities have been offered to the owners of the vessels will not be considered for state funding assistance. A letter of Authorization for Removal from the law enforcement officer must also be included for each vessel applied for. Should funding be available for a fifth or subsequent round of applications, new announcements will be made. The grant guidelines and application form may be downloaded at: <http://www.MyFWC.com/DVGrant>.

You may also receive the guidelines and application by contacting Phil Horning at (850)617-9540 or email DVGrant@MyFWC.com.

Applications that meet the requirements for the Rapid Removal Grant Program may be submitted at any time after the opportunity announcement start date, but no later than November 1, 2019, 5:00 p.m. (ET) (based on available funding). Rapid removal cases must meet requirements of published guidelines as well as due process requirements. Total funding allocated for derelict vessel removal for fiscal year 2018-2019 is \$1,000,000. The balance remaining will be available for additional derelict vessel removal grant opportunities in the 2018-2019 budget year. Applications may be mailed to the Florida Fish and Wildlife Conservation Commission, Boating and Waterways Section, Derelict Vessel Grant Program Administrator, at 620 S. Meridian Street – Room 235, Tallahassee, Florida 32399-1600 or emailed to DVGrant@MyFWC.com.

For further information, please contact: Phil Horning, Derelict Vessel Program Administrator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, (850)617-9540 or email Phil.Horning@MyFWC.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 Final Order No. DEO-19-018
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY MONROE COUNTY, FLORIDA,
 ORDINANCE NO. 009-2019

FINAL ORDER
 APPROVING MONROE COUNTY ORDINANCE NO. 009-2019

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to subsections 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 009-2019 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Monroe County on March 21, 2019, and rendered to the Department on May 15, 2019.

3. The Ordinance amends the Monroe County Land Development Code (“Code”) to create Article III, sections 134-26 and 134-27 to allow certain accessory structures to remain, for a period of time, after an associated principal use or structure has been discontinued or removed as a result of damage from a man-made or natural disaster. The Ordinance also amends section 102-58 for consistency with the newly created sections 134-26 and 134-27.

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

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

6. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, as required by Section 163.3177(1), Florida Statutes, and specifically, with Policies 101.8.9 and 1503.4.1.

7. 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 Section 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically complies with the following:

(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.

(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

WHEREFORE, IT IS ORDERED that the Department finds that Monroe County Ordinance No. 009-2019 is consistent with the Monroe County Comprehensive Plan and 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/James D. Stansbury

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

Notice of administrative rights

Any person whose substantial interests are affected by this order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes.

For the required contents of a petition challenging agency action, refer to subsections 28-106.104(2), 28-106.201(2), and section 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 section 120.569 and subsection 120.57(1), Florida statutes, or Section 120.569 and subsection 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 25th day of June, 2019.

/s/Stephanie Webster

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

By U.S. Mail:

The Honorable Sylvia Murphy, Mayor, Monroe County, 102050 Overseas Highway, Suite 234, Key Largo, Florida 33037

Kevin Madok, Clerk, Monroe County, Board of County Commissioners, PO Box 1980, Key West, Florida 33041

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-19-016

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF APALACHICOLA,

ORDINANCE NO. 2019-03

FINAL ORDER

APPROVING APALACHICOLA ORDINANCE NO. 2019-03

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to subsection 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Apalachicola (“City”), Ordinance No. 2019-03 (the “Ordinance”).

FINDINGS OF FACT

1. The Apalachicola Bay Area is designated by Section 380.0555, Florida Statutes, as an area of critical state concern. The City is within the Apalachicola Bay Area.

2. The Ordinance was adopted by the City on May 7, 2019, and rendered to the Department on May 9, 2019.

3. The Ordinance amends the City’s Land Development Regulations by creating Chapter XI of the Land Development Code to provide permit, application, zoning, and administrative regulations for mobile food vendors and mobile food trucks operating 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. See Section 380.05(6), Florida Statutes.

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

6. The Ordinance is consistent with the City’s Comprehensive Plan as required by Section 163.3177(1), Florida Statutes, generally, and is specifically consistent with Future Land Use Element Policy 5.2 and Future Land Use Element Objective 6.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. See Section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Apalachicola Bay Area of Critical State Concern are set forth in Section 380.0555(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development in Section 380.0555(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

(a) Land development shall be guided so that the basic functions and productivity of the Apalachicola Bay Area’s natural land and water systems will be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area.

(b) Land development shall be consistent with a safe environment, adequate community facilities, a superior quality of life, and a desire to minimize environmental hazards.

(c) Growth and diversification of the local economy shall be fostered only if it is consistent with protecting the natural resources of the Apalachicola Bay Area through appropriate management of the land and water systems.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Apalachicola Ordinance No. 2019-03 is consistent with the City of Apalachicola’s Comprehensive Plan and the Principles for Guiding Development for the Apalachicola Bay Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

/s/James D. Stansbury

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

Any person whose substantial interests are affected by this final order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes.

For the required contents of a petition challenging agency action, refer to subsections 28-106.104(2), 28-106.201(2), and section 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 section 120.569 and subsection 120.57(1), Florida statutes, or Section 120.569 and subsection 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 25th day of June, 2019.

/s/Stephanie Webster

Stephanie Webster, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Van W. Johnson, Sr., Mayor, Apalachicola City Hall, 192 Coach Wagoner Boulevard, Suite 1, Apalachicola, Florida 32320

Deborah Guillotte, City Clerk, Apalachicola City Hall, 192 Coach Wagoner Boulevard, Suite 1, Apalachicola, Florida 32320

Cindy Clark, City Planner, Apalachicola City Hall, 192 Coach Wagoner Boulevard, Suite 1, Apalachicola, Florida 32320

Lee Mathes, City Administrator, Apalachicola City Hall, 192 Coach Wagoner Boulevard, Suite 1, Apalachicola, Florida 32320

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-19-017

In re: A LAND DEVELOPMENT REGULATION

ADOPTED BY CITY OF MARATHON

ORDINANCE NO. 2019-01

FINAL ORDER

APPROVING CITY OF MARATHON ORDINANCE NO. 2019-01

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to subsection 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2019-01 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by section 380.0552, Florida Statutes, as an area of critical state concern. The City of Marathon (“City”) is a local government within the Florida Keys Area.

2. The Ordinance was adopted by the City on January 22, 2019, and rendered to the Department on May 7, 2019.

3. The Ordinance amends Section 103.15 (Table 13.15.2) of the City’s Land Development Regulations (“LDRs”) to allow the issuance of Temporary Placement Permits (“TPP”) within zoning districts RL-C, RL, RM, RM-1, RM-2, R-MH, RH, MU, MU-M, I-G, I-M, A, P, and PR.

4. The Ordinance amends Section 102.83 of the LDRs to establish that a TPP may be approved for displaced owner-occupants or tenants under specified conditions in Residential Zoning Districts (R-C, RL, RM, RM-1, RM-2, RH, R-MH) and nonresidential land use districts and on public lands (excluding designated conservation and resource protection lands). The Ordinance further amends Section 102.83 to clarify the process of granting TPPs.

5. The Ordinance amends Sections 102.82 and 104.55 of the LDRs to include “other temporary residential units” to the list of residences allowed to be permitted under Section 103.14 (Table 13.15.2).

CONCLUSIONS OF LAW

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

7. “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.

8. The Ordinance is consistent with the City’s Comprehensive Plan as required by Section 163.3177(1), Florida Statutes, generally, and is specifically consistent with Policy 4-1.22.5 of the Plan.

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

10. The Ordinance is consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern as a whole, and is specifically consistent with the following principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation;
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan; and
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2019-01 is consistent with the City of Marathon Comprehensive Plan and 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/James D. Stansbury

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

Notice of administrative rights

Any person whose substantial interests are affected by this order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes.

For the required contents of a petition challenging agency action, refer to subsections 28-106.104(2), 28-106.201(2), and section 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 section 120.569 and subsection 120.57(1), Florida statutes, or Section 120.569 and subsection 120.57(2), Florida statutes. Mediation is not available.

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 25th day of June, 2019.

/s/Stephanie Webster

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

By U.S. Mail:

John Bartus, Mayor, City of Marathon, City Council, 9805 Overseas Highway, Marathon, FL 33050

Diane Clavier, City Clerk, City of Marathon, City Clerk, 9805 Overseas Highway, Marathon, FL 33050

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

**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.

NONE