

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE NO.: **RULE TITLE:**
14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

PURPOSE AND EFFECT: Rule 14-15.002, F.A.C., is being amended to update material incorporated by reference. Changes are proposed to reflect new engineering principles used in public roadways including bridge widths, pavement design, and traffic management through roundabouts.

SUBJECT AREA TO BE ADDRESSED: Uniform standards for streets and highways.

RULEMAKING AUTHORITY: 334.044(10)(a), 334.048(3), 336.045(1) FS.

LAW IMPLEMENTED: 334.044(10)(a), 336.045 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: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NOS.: **RULE TITLES:**
19B-16.002 Application for Participation in the Program
19B-16.003 Participation Agreement

PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend the information that may be collected during the enrollment process for the Florida College Savings Program, simplify the Application Fee language, permit the Board to reduce the Application Fee, and clarify defined terms.

SUBJECT AREA TO BE ADDRESSED: Administration of the Florida College Savings Program.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.981 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 5 days before the workshop/meeting by contacting: Michael Frick, (850)488-8514, michael.frick@myfloridaprepaid.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-8514, michael.frick@myfloridaprepaid.com

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

DEPARTMENT OF CORRECTIONS

RULE NO.: **RULE TITLE:**
33-601.104 Withholding or Forfeiture of Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to change the process by which gain time is forfeited when an inmate escapes. With regard to escapes that occur before October 1, 2013, forfeiture of all gain time will occur upon conviction for escape subject to full or partial mitigation at the request of the inmate at the discretion of the Secretary or designee. With regard to escapes on or after October 1, 2013, forfeiture of gain time will be determined following a hearing.

SUBJECT AREA TO BE ADDRESSED: Withholding or Forfeiture of Gain Time.

RULEMAKING AUTHORITY: 944.09, 944.275, 947.149(6) FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.28, 947.149(5)(a), (b) 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 IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.104 Withholding or Forfeiture of Gain Time.

(1) Earned Gain Time.

(a) Without Hearing – without prior notice or hearing, an inmate shall forfeit all gain time earned prior to escape or release on supervision upon:

1. Conviction for escape committed before October 1, 2013 – forfeitures assessed under this provision may be mitigated in full or in part upon request of the inmate to the inmate’s classification officer at the discretion of the Secretary or designee based on factors including, but not limited to, the sophistication of the escape, whether force was used during the escape, the length of time outside the Department’s custody following the escape, and whether any criminal activity was committed while outside the Department’s custody following the escape;

2. through 4. No change.

(b) After Hearing – an inmate who (a) violates any penal law of this state, or any rule of the Department or institution, (b) threatens or knowingly endangers the life or physical well-being of another, (c) refuses in any way to carry out or obey lawful instructions, ~~or~~ (d) neglects to perform the work, duties and tasks assigned in a faithful, diligent, industrious, orderly and peaceful manner, or (e) escapes on or after October 1, 2013, may have all or part of the gain time earned forfeited by the Department after a hearing as provided in these rules. An acquittal or dismissal of charges in a court based upon the same acts charged in a disciplinary proceeding will not prevent the Department from forfeiting gain time after a proper hearing.

(2) No change.

Rulemaking Specific Authority 944.09, 944.275, 947.149(6) FS. Law Implemented 944.09, 944.275, 944.28, 947.149(5)(a), (b) FS. History–New 2-26-80, Amended 1-12-83, Formerly 33-11.11, Amended 1-19-86, 1-27-87, 4-28-87, 10-12-89, 10-14-91, 7-14-94, Formerly 33-11.011, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.400
 RULE TITLE: Classification of Surface Waters, Usage, Reclassification, Classified Waters

PURPOSE AND EFFECT: The Department of Environmental Protection is initiating rulemaking to consider whether to reclassify certain Class III waterbodies to either Class I (potable water supply) or Class II (shellfish harvesting or propagation) in accordance with Rule 62-302.400, F.A.C. The Department will also evaluate the merits of other reclassification actions recommended by the public during the rule development process.

SUBJECT AREA TO BE ADDRESSED: The reclassifications would update and upgrade the surface water classification and designated use of the waters so that the designated use is consistent with the existing use and water quality of these waters.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS.

LAW IMPLEMENTED: 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Klemm, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8427, email Janet.Klemm@dep.state.fl.us

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

**Section II
 Proposed Rules**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: 61G20-4.001
 RULE TITLE: Procedures

PURPOSE AND EFFECT: To address mandatory rulemaking requirements as set forth in Section 553.512, F.S., requiring the Commission to establish by rule a fee to be paid upon submitting a request for a waiver.

SUMMARY: The amendment establishes a fee to be paid upon submitting a request for a waiver.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 been prepared by the agency.

The following is a Summary of the Statement of Estimated Regulatory Costs:

- The rule is not likely to directly or indirectly have an adverse impact on economic growth; private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- The rule is not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- The rule is not likely to directly or indirectly to increase regulatory costs, including any transaction costs, in excess of \$1 million in the aggregate within 5 years after the implementation of this rule.
- The number of individuals and entities likely to be required to comply with the rule based on the number of applicants for waiver under this rule over the last two fiscal years will be approximately 40 applicants annually.
- The department will incur \$30,000 onetime costs for implementing or enforcing the proposed rule.
- Any other state and local government entities will incur costs under this rule only if they apply for waiver as provided for under the proposed rule.
- Costs to the licensees to comply with the rule should be minimal because only a individuals or entities applying for waivers will have to pay the increased fee.
- The estimated number of small businesses that would be subject to the rule is unknown.

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 Commission conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) 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: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

61G20-4.001 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be accompanied by a fee of \$250.00, effective July 1, 2014, and filed on the Form FBC 2012-01, Request for Waiver, effective October 2012, adopted and incorporated herein. Copies of Form FBC 2012-01 are available by writing to the Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399 or at <https://www.flrules.org/gateway/reference.asp?NO=Ref-02481>.

Upon certification from an applicant that all information requested by these rules has been furnished and after review and verification by Commission Staff, the request will be scheduled for consideration at the Accessibility Advisory Council’s next scheduled meeting provided that at least 7 days notice can be given to the members of the Advisory Council.

(2) through (5) No change.

Rulemaking Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00, 1-20-02, 10-18-07, Formerly 9B-7.003, 9N-4.001, Amended 4-25-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Building Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 14, 2013

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NOS.:	RULE TITLES:
73C-22.002	Definitions
73C-22.004	Distribution of Funds
73C-22.005	Subgrantees
73C-22.006	Policy Advisory Council
73C-22.007	Minimum Program Requirements and Policies
73C-22.008	Allowable Expenditures
73C-22.011	Standards and Techniques for Weatherization
73C-22.013	Monitoring, Training and Technical Assistance
73C-22.014	Required Records and Reports
73C-22.015	Weatherization Contracts and Amendments

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: The rule is being repealed as it is no longer needed.

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 Department has determined that the proposed repeal of this rule will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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: 120.53(1), 163.03(3) FS.

LAW IMPLEMENTED: 163.03 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: Paula Lemmo, Community Program Manager, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4120, Tallahassee, Florida 32399-6545, (850)717-8470

THE FULL TEXT OF THE PROPOSED RULE IS:

73C-22.002 Definitions.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.002, Repealed.

73C-22.004 Distribution of Funds.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.004, Repealed.

73C-22.005 Subgrantees.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.005, Repealed.

73C-22.006 Policy Advisory Council.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.006, Repealed.

73C-22.007 Minimum Program Requirements and Policies.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.007, Repealed.

73C-22.008 Allowable Expenditures.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.008, Repealed.

73C-22.011 Standards and Techniques for Weatherization.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.011, Repealed.

73C-22.013 Monitoring, Training and Technical Assistance.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.013, Repealed.

73C-22.014 Required Records and Reports.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.014, Repealed.

73C-22.015 Weatherization Contracts and Amendments.

Rulemaking Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03 FS. History–New 11-20-85, Formerly 9B-24.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula Lemmo, Community Program Manager, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4120, Tallahassee, Florida 32399-6545, (850)717-8470

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jesse Panuccio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2013

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.: **RULE TITLES:**

5B-57.001 Definitions

5B-57.002 Purpose

5B-57.004 Introduction, Possession or Movement of Arthropods, Biological Control Agents,

	Plant Pests, Noxious Weeds, and Invasive Plants, Regulated by the Department
5B-57.006	Regulation and Control of Noxious Weeds and Invasive Plants in Florida
5B-57.007	Noxious Weed List
5B-57.010	Noxious Weed and Invasive Plant Classification Procedures
5B-57.011	Biomass Plantings
5B-57.012	Casuarina Cunninghamiana Windbreaks
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 102, May 24, 2013 issue of the Florida Administrative Register.

(Substantial rewording of Rule 5B-57.001 follows. See Florida Administrative Code for present text.)

5B-57.001 Definitions.

(1) For the purpose of this rule chapter, the definitions in Section 581.011, Florida Statutes, and following definitions shall apply:

~~(a) Arthropod. Any segmented invertebrate animal having jointed appendages and an exoskeleton, including insects, spiders, ticks, mites, and scorpions, but excluding crustaceans for the purpose of this rule chapter.~~

~~(a)(b) Beneficial Organisms. Any organism which benefits Florida’s native or agricultural plants, or benefits one without adversely impacting the other, by improving plant health or growth, or which may adversely affect pest species such as arthropods, fungi, bacteria, viruses, and nematodes.~~

~~(b)(c) Biological Control Agent. Any biological agent such as bacteria, fungi, viruses, arthropods, parasitoids, parasites, nematodes, and predators that adversely affects pest species.~~

~~(d) Compliance Agreement. A written agreement between the Department and any person engaged in growing, handling, or moving articles, plants, plant products, plant pests, noxious weeds, invasive plants, arthropods, or biological control agents regulated under this rule chapter, wherein the person agrees to comply with stipulated requirements.~~

~~(c)(e) Contiguous. Two or more plantings of non-native plants with a common boundary or a parcel of land that has been separated or divided into more than one planting of non-native plants whether separated or divided by a roadway or any other area not under cultivation with non-native plants.~~

~~(d)(f) Department. The Florida Department of Agriculture and Consumer Services.~~

~~(e)(g) International Movement. Movement into Florida from any country or area outside the United States.~~

~~(f)(h) Interstate Movement. Movement into Florida from another state or U.S. possession.~~

~~(g)(i) Intrastate Movement. Movement within the state of Florida.~~

~~(h)(j) Invasive Plant. A naturalized plant that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. All plants listed in Section 369.251(1), F.S., shall be included in the Department’s Noxious Weed and Invasive Plant List.~~

~~(i)(k) Naturalized Plant. A plant that is reproducing spontaneously outside of cultivation and outside its native range.~~

~~(j)(l) Nematode. A small unsegmented worm in all of its life stages in the Phylum Nematoda.~~

~~(k)(m) Non-Native Species. Any non-native plants, algae, or blue-green algae, including genetically engineered plants, algae, or blue-green algae in plantings greater in size than two contiguous acres.~~

~~(l)(n) Non-Native Species Permit. A permit issued by the Department authorizing a non native species planting.~~

~~(m)(o) Non-Native Species Planting. The cultivation or production of a nonnative plants, algae, or blue-green algae, including a genetically engineered plants, algae, or blue-green algae in plantings greater in size than two contiguous acres.~~

~~(n)(p) Noxious Weed. Any living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plants of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under Section 581.185, F.S., or if the plant is a naturalized plant that disrupts naturally occurring native plant communities. All plants listed in Section 369.251(1), F.S., shall be included in the Department’s Noxious Weed and Invasive Plant List.~~

~~(o)(q) Noxious Weed and Invasive Plant Review Committee. A committee appointed by the Department, in accordance with Section 570.0705, F.S., to review the Noxious Weed and Invasive Plant List in subsection 5B-57.010(2), F.A.C., as provided for in Section 581.091(4), F.S.~~

~~(p)(r) Permit. An official document issued by the Department or the USDA allowing, under specific conditions, the entry or field release of plant pests, noxious weeds, invasive plants, arthropods, and biological control agents, defining the conditions under which such activities will be allowed, and containing specific instructions for inspection, movement, and containment.~~

~~(q)(s) Plant Pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, or viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants, plant parts, or any processed, manufactured, or~~

~~other products of plants, other than permitted biological control agents.~~

~~(q)(+) USDA. The United States Department of Agriculture.~~

(2) The purpose of this rule chapter is to control the introduction into, or movement or spread within this state of any plant pest, noxious weed, or arthropod, and to establish procedures under which the field release of plant pests, noxious weeds, arthropods, and biological control agents or non-native species plantings are permitted. Such procedures will assist in confirming that introductions and field releases are conducted in a manner which provides for public and environmental protection.

Rulemaking Authority ~~570.07(43)~~, (23), 581.031(4), (5) FS. Law Implemented 581.031(4), (5), (6), 581.083, 581.091 FS. History—New 7-27-93, Amended 4-18-04, Amended 10-1-06,_____.

5B-57.002 Purpose

No change.

Rulemaking Authority ~~570.07(43)~~, (23) FS. Law Implemented 581.031(4), (5), (6), 581.083, 581.091 FS. History—New 7-27-93, Amended 10-1-06, Repealed_____.

5B-57.004 Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, Noxious Weeds, and Invasive Plants, Regulated by the Department.

No change.

Rulemaking Authority ~~570.07(43)~~, (23), 581.031(4), (5) FS. Law Implemented 581.031(6), (7), 581.083, 581.091, 581.101 FS. History—New 7-27-93, Amended 6-20-00, 4-18-04,_____.

5B-57.006 Regulation and Control of Noxious Weeds and Invasive Plants in Florida

No change.

Rulemaking Authority ~~570.07(43)~~, (23), 581.031(4), (5) FS. Law Implemented 581.031(4), (6), (7), (16), (17), 581.083, 581.091, 581.101 FS. History—New 7-27-93, Amended 4-18-04,_____.

5B-57.007 Noxious Weed List

The following plants shall be considered noxious for the purpose of this rule chapter:

(1) Parasitic Weeds.

(a) *Aeginetia* spp. – Aeginetia

(b) *Alectra* spp. – Alectra

(c) *Cuscuta* spp. Only the native Florida species are excluded from this list. These include:

1. *C. americana*

2. *C. compacta*

3. *C. exaltata*

4. *C. gronovi*

5. *C. indecora*

6. *C. obtusiflora*

7. *C. pentagona*

8. *C. umbellata*

(d)1. *Orobanche* spp. – broomrapes, with the exception

of:

2. *O. uniflora*-oneflowered broomrape

(2) Terrestrial Weeds.

(a) *Ageratina adenophora* – crofton weed

(b) *Alternanthera sessilis* – sessile joyweed

(c) *Abrus precatorius* – rosary pea

(d) *Ardisia elliptica* – shoebutton ardisia

(e) *Asphodelus fistulosus* – onionweed

(f) *Avena sterilis* (including *Avena budoviciana*) – animated oat, wild oat

(g) *Borreria alata* – broadleaf buttonweed

(h) *Carthamus oxyacantha* – wild safflower

(i) *Casuarina equisetifolia* – Australian pine

(j) *Casuarina glauca* – suckering Australian pine

(k) *Chrysopogon aciculatus* – pilipiliula

(l) *Colubrina asiatica* – latherleaf

(m) *Commelina benghalensis* – Bengal dayflower

(n) *Crupina vulgaris* – common crupina

(o) *Cupaniopsis anacardioides* – carrotwood Propagation prohibited effective 7/1/99; sale or distribution prohibited 1/1/2001

(p) *Digitaria scalarum* – African couchgrass, fingergrass

(q) *Digitaria velutina* – velvet fingergrass, annual couchgrass

(r) *Dioscorea alata* – white yam

(s) *Dioscorea bulbifera* – air potato

(t) *Drymaria arenarioides* – lightning weed

(u) *Emex australis* – three-corner jack

(v) *Emex spinosa* – devil’s thorn

(w) *Euphorbia prunifolia* – painted euphorbia

(x) *Galega officinalis* – goat’s rue

(y) *Heracleum mantegazzianum* – giant hogweed

(z) *Imperata brasiliensis* – Brazilian satintail

(aa) *Imperata cylindrica* – cogongrass

(bb) *Ipomoea triloba* – little bell, aiea morning glory

(cc) *Ischaemum rugosum* – murainograss

(dd) *Leptochloa chinensis* – Asian sprangletop

(ee) *Leucaena leucocephala* – lead tree

(ff) *Lycium ferocissimum* – African boxthorn

(gg) *Lygodium japonicum* – Japanese climbing fern

(hh) *Lygodium microphyllum* – small-leaved climbing fern

(ii) *Melaleuca quinquenervia* – melaleuca

(jj) *Melastoma malabathricum* – Indian rhododendron

(kk) *Mikania cordata* – mile-a-minute

(ll) *Mikania micrantha* – climbing hempweed

(mm) *Mimosa invisa* – giant sensitive plant

(nn) *Mimosa pigra* – catclaw mimosa

(oo) *Nassella trichotoma* – serrated tussock

- (pp) *Neyraudia reynaudiana* – Burma reed
- (qq) *Opuntia aurantiaca* - jointed prickly pear
- (rr) *Oryza longistaminata* – red rice
- (ss) *Oryza punctata* – red rice
- (tt) *Oryza rufipogon* – wild red rice
- (uu) *Paederia cruddasiana* – sewer-vine
- (vv) *Paederia foetida* – skunk-vine
- (ww) *Paspalum scrobiculatum* – Kodomillet
- (xx) *Pennisetum clandestinum* – Kikuyu grass
- (yy) *Pennisetum macrourum* – African feathergrass
- (zz) *Pennisetum pedicellatum* – Kyasuma grass
- (aaa) *Pennisetum polystachyon* – missiongrass, thin napiergrass
- (bbb) *Prosopis* spp.
- (ccc) *Pueraria montana* – kudzu
- (ddd) *Rhodomirtus tomentosa* – downy myrtle
- (eee) *Rottboellia cochinchinensis* – itchgrass
- (fff) *Rubus fruticosus* – bramble blackberry
- (ggg) *Rubus molluccanus* – wild raspberry
- (hhh) *Saccharum spontaneum* – wild sugarcane
- (iii) *Salsola vermiculata* – wormleaf salsola
- (jjj) *Sapium sebiferum* – Chinese tallow tree
- (kkk) *Scaevola taccada* – beach naupaka

Propagation prohibited immediately and distribution prohibited by July 1, 2007.

- (lll) *Schinus terebinthifolius* – Brazilian pepper-tree
- (mmm) *Setaria pallidifusca* – cattail grass
- (nnn) *Solanum tampicense* – wetland nightshade
- (ooo) *Solanum torvum* – turkeyberry
- (ppp) *Solanum viarum* – tropical soda apple
- (qqq) *Tridax procumbens* – coat buttons
- (rrr) *Urochloa panicoides* – liverseed grass

5B-57.010 Noxious Weed and Invasive Plant Classification Procedures.

(1) The Department will propose the classification of a plant as a noxious weed or invasive plant and its inclusion on the Noxious Weed and Invasive Plant List, Rule 5B-57.007, F.A.C., if the plant is determined to be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under Section 581.185 F.S., or if the plant is a naturalized plant that disrupts naturally occurring native communities. In making these determinations, the Department will utilize information provided by the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida or other experts that biologically justifies the classification of a plant as a noxious weed or invasive plant based upon the best and currently available information. Anyone seeking to

~~include or exclude plants from have plants added to the Rule 5B-57.007, F.A.C., Noxious Weed List in Rule 5B-57.007, F.A.C., shall submit a completed Application for Inclusion to or Exclusion from the Noxious Weed List, FDACS 08215, Rev. 044/13, to the Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100. The form Application for Inclusion to or Exclusion from the Noxious Weed List, FDACS 08215, Rev. 044/13, is hereby adopted and incorporated by reference and may be obtained by writing the Division of Plant Industry, Bureau of Plant and Apiary Inspection, at P. O. Box 147100, Gainesville, FL 32614-7100 or online at <http://www.flrules.org/Gateway/reference>. To add a noxious weed or invasive plant to the list of noxious weeds and invasive plants the following information is required to assist in the development of the risk assessment: identification including scientific name and author, common synonyms, botanical classification, common names; summary of life history; native and world distribution; distribution in Florida or the United States if any; description of control efforts, if established in Florida or the United States; identification of regulation at the state level; consequences of introduction/spread; habitat suitability in Florida (predicted ecological range); dispersal potential (biological characteristics associated with invasiveness); potential economic impacts; potential environmental impacts; likelihood of introduction/spread; potential pathways into and within Florida; likelihood of survival and spread within each pathway; and supporting documentation (list of references). To remove a plant from the list the following information is required: evidence that the species no longer meets the definition of a noxious weed or invasive plant. For cultivars of a listed plants to be exempted, the Department will confer with following information must be supplied by IFAS on the following: evidence of sterility and inability to cross pollinate with wild types, or evidence that the cultivar has narrower habitat suitability, less dispersal potential, less potential for negative impact on the economy and/or environment of Florida and evidence that the plant is not spreading vegetatively. The Department will review a submitted Application for Inclusion to or Exclusion from the Noxious Weed List, FDACS 08215, Rev. 044/13, and forward it to the Noxious Weed and Invasive Plant Review Committee within 30 days provided all required information has been submitted. The Noxious Weed and Invasive Plant Review Committee will review the application and make a final recommendation to the Department to add or remove plants from Rule 5B-57.007, F.A.C. Any exemptions for cultivars, production practices, areas of distribution, or any other reasons will be denoted following the plant name on the Noxious Weed and Invasive Plant List. The Department shall make a final determination regarding the disposition of the application~~

within 30 days of receipt of the committee recommendation. Upon making a final determination, the rule amendment process will be initiated if necessary. By emergency rule, the Department shall add a plant to the list at any time if there is an immediate threat to the agricultural, horticultural, environmental, or public interest of the state.

(2) No change.

Rulemaking Authority 570.07(23), 581.031(4), ~~(5)~~ FS. Law Implemented 581.011(18), 581.031(6), 581.091(4) FS. History—New 4-18-04, Amended.

5B-57.011 Non-Native Species ~~Special~~ Permits.

(1) In accordance with Section 581.083, Florida Statutes, a person may not cultivate nonnative plants, algae, or blue-green algae, including genetically engineered plants, algae, or blue-green algae in plantings greater in size than two contiguous acres, except under a Non-Native Species Special Permit issued by the Department's Division of Plant Industry. Anyone seeking a Non-Native Species Special Permit shall submit a completed Non-Native Species Planting Permit Application, FDACS 08381 (Rev. 01/13), to the Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(a) A separate application shall be required for each noncontiguous growing location and must include a complete description of the non-native species to be grown and an estimated cost of removing and destroying the non-native species planting including the basis for calculating or determining that estimate.

(b) Each application must be submitted with the \$50.00 permit fee ~~and proof that a bond or certificate of deposit has been obtained in accordance with subsection (3).~~

(c) A new application will be required if a new or additional planting (contiguous or noncontiguous) exceeds five percent (5%) of the acreage covered by a previous permit.

(d) The Department will not issue a Non-Native Species Permit Special Permit for any planting that includes any species listed on the State Noxious Weed List (See Rule 5B-57.007) or the federal noxious weed list (See Designation of Noxious Weeds, 7 C.F.R. 360.200 (2010)).

(e) The Department will not issue a Non-Native Species Permit Special Permit unless the applicant is the owner of the property or has written permission from the property owner to utilize the land for non-native species plantings for the duration of the life of the permit.

(f) In evaluating the permit application, the Department will visit the proposed growing location and determine if feasible measures are available to prevent the spread of the plant into neighboring ecosystems. The permit will require the following minimum requirements:

1. A system of traps or filters, a fallow area consisting of bare earth ~~greater than 25 feet~~, or ground cover (approved by Department staff as part of the application process) to prevent the non-native species from spreading through ditches, natural waterways, or other drainage.

2. If the non-native species is motile in water and presents a risk of invasiveness in an aquatic environment, the applicant will be required to use a berm.

3. Any equipment used on the site must be cleaned of all debris before being moved from the property.

4. Wildfire protection measures will be required to mitigate fire risk and damages to surrounding areas.

(g) If additional measures are necessary (including, but not limited to, transportation restrictions) to prevent the spread of the non-native species into neighboring ecosystems, the applicant will be required to execute a Non-Native Species Compliance Agreement, FDACS-08383, (Rev. 01/13), containing additional preventative requirements. The executed Compliance Agreement will become an addendum to the Non-Native Species Permit Special Permit. Failure of the applicant to abide by the stipulations of the Non-Native Species Permit Special Permit or Compliance Agreement will subject the Applicant to the procedures of Section 581.083(4)(b),(c),(d), Florida Statutes.

(2) If an applicant meets the application requirements of subsection 5B-57.011(1), F.A.C., and has submitted proof that a bond or certificate of deposit has been obtained in accordance with subsection (3), the Department's Division of Plant Industry will issue a Non-Native Species Planting Permit, FDACS-08382, (Rev. 01/13), to the applicant for annual cultivation and maintenance of the non-native species.

(3) As required by Section 581.083(4)(e), Florida Statutes, each permit holder shall maintain, for each separate growing location, a bond or a certificate of deposit in an amount, determined by the Department, of not more than 150 percent of the estimated cost of removing and destroying the non-native species. The bond amount determination shall be based on the biological and physical factors associated with the organism being cultivated and produced, including size of the production area, equipment, and products needed to eliminate the planting and organism. The maximum bond or certificate of deposit required will not exceed \$5,000 per acre except as allowed by Section 581.083(4)(e), Florida Statutes. The amount of the bond or certificate of deposit shall be increased, upon order of the Department, at any time if the Department finds such increase to be warranted by the cultivating operations of the permit holder. The increase shall be based on any changes in the biological and physical factors of the organism being cultivated and produced as stated above in this section.

(a) Applicants shall provide proof of each bond or certificate of deposit by submitting with the Non-Native Species Permit Special Permit application either the form entitled Non-Native Species Plantings Bond, FDACS 08439 (Rev. 01/13), or Assignment of Certificate of Deposit For Non-Native Species Plantings, FDACS 08440 (Rev. 01/13), as appropriate.

(b) Permit holders desiring that the security requirement be decreased or removed must submit a written justification to the Division of Plant Industry. The permit holder must provide specific information that justifies the request by demonstrating that the permit holder has decreased its cultivation operations or that research or practical field knowledge and observations indicate a low risk of invasiveness by the non-native species. The factors that the Department will consider include, but are not limited to: multiple years or cycles of successful large-scale contained cultivation; no observation of plants, algae, or blue-green algae escape from managed areas; and science-based evidence that establishes or demonstrates adjusted cultivation practices provide a similar level of containment of the nonnative plants, algae, or blue-green algae. The Department will review the information presented and issue a written response to the request.

(4) It shall be unlawful for any person to abandon a non-native species planting. It is the responsibility of the property owner or permit holder to completely destroy the planting prior to vacating the property or stopping commercial production. If the Department determines any of the factors of Section 581.083(4)(c), Florida Statutes, to be true, the Department will issue an immediate final order requiring the immediate removal and destruction of the non-native species. Failure of the permit holder to remove and destroy the non-native species within 60 days of the order will result in action by the Department against the permit holders bond or certificate of deposit as described in Section 581.083(4)(d), Florida Statutes.

(5) A Non-Native Species Planting Permit, FDACS 08382 (Rev. 01/13), is not required if the Department, after consultation with the University of Florida, Institute of Food and Agricultural Sciences (IFAS), determines, based on experience or research data, that the non-native species does not pose a threat of becoming an invasive species or pest of plants or native fauna under Florida conditions. The following are specifically exempted from the requirements of this rule:

(a) Any plant that is commonly grown ~~produced~~ in Florida for purposes of human food consumption.

(b) Any plant that is commonly grown in Florida for commercial feed, feedstuff, or forage for livestock, nursery stock, or silviculture.

(c) Aquatic plants, algae, or blue-green algae grown in compliance with Aquaculture Best Management Practices and

certified by the Division of Aquaculture pursuant to s. 597.004, Florida Statutes.

(d) Energy cane (complex hybrid of *Saccharum officinarum*, *S. spontaneum*, *S. barberi* and *S. sinense*)

(e) *Eucalyptus amplifolia*

(f) *Eucalyptus benthamii*

(g) *Eucalyptus dorrigoensis*

(h) *Eucalyptus dunnii*

(i) *Eucalyptus grandis*

(j) *Eucalyptus gunni*

(k) *Eucalyptus nitens*

(l) *Eucalyptus smithii*

(m) *Eucalyptus urograndis* – *E. grandis* X *E. urophylla*

(n) *Hibiscus cannabinus* L

(o) *Miscanthus giganteus* – *M. sacchariflorus* X *M. sinensis*

(p) *Pinus* spp.

Note: With the exception of *Miscanthus giganteus*, importation of *Saccharum* and *Miscanthus* species requires a Non-Native Species Permit Special Permit in accordance with Rule 5B-3.003, F.A.C.

(6) The following documents are hereby adopted and incorporated by reference. These documents may be obtained by writing to the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, at , P. O. Box 147100, Gainesville, FL 32614-7100 or online as indicated.

(a) Non-Native Species Planting Permit Application, FDACS 08381 (Rev. 01/13), <http://www.flrules.org/Gateway/reference>

(b) Non-Native Species Compliance Agreement, FDACS-08383, (Rev. 01/13), <http://www.flrules.org/Gateway/reference>

(c) Non-Native Species Planting Permit, FDACS-08382, (Rev. 01/13), <http://www.flrules.org/Gateway/reference>

(d) Non-Native Species Plantings Bond, FDACS 08439 (Rev. 01/13), <http://www.flrules.org/Gateway/reference>

(e) Assignment of Certificate of Deposit For Non-Native Species Plantings, FDACS 08440 (Rev. 01/13), <http://www.flrules.org/Gateway/reference>

(f) Designation of Noxious Weeds, 7 C.F.R. 360.200 (2012), <http://www.flrules.org/Gateway/reference>
 Rulemaking Authority 570.07(13), (23), 581.031 (4), (5) FS. Law Implemented 581.031(4), (5), (6), 581.083, 581.091 FS. History–New 10-1-06, Amended 9-24-08,_____.

5B-57.012 *Casuarina cunninghamiana* Windbreaks

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (4), (5), (8), 581.091 FS. Law Implemented 570.07(2), (13), 570.32(5), (6), 581.031(1), (17), 581.091 FS. History–New 7-16-09, Amended_____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-57.014
 RULE TITLE: Rail Corridor Crossing Management
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 48, March 11, 2013 issue of the Florida Administrative Register.

The change is in response to comments by the Joint Administrative Procedures Committee in a letter dated May 9, 2013. Rule 14-57.014(4)(c), will read:

~~(c)(b) Rail Corridor Crossing Completion~~ Time Limit. Installation of a rail corridor crossing on an inactive rail corridor ~~Construction~~ shall be completed within one year of the date of issuance of the rail corridor crossing permit. Failure to comply with the one year time limit shall result in an automatic expiration of the rail corridor crossing permit. A stop work order will be issued by the Department if work exceeds the imposed time restrictions. For any rail corridor crossing permit which expires for failure to construct the rail corridor crossing within the one year limit, a new application will be required. The corridor right of way shall be returned to the condition existing prior to the rail corridor crossing permit being issued, at the permittee's expense, unless a new permit is obtained pursuant to this rule.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-4.050, 62-4.244
 RULE TITLES: Procedures to Obtain Permits and Other Authorizations; Applications
 Mixing Zones: Surface Waters
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 63, April 1, 2013 issue of the Florida Administrative Register.

The changes are made in response to written and oral comments from the Joint Administrative Procedures Committee and the public, or as the result of staff recommendations that were discussed at an adoption hearing held on April 23, 2013. The proposed rule has changed so that when it is adopted it will read:

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.
 (1) through (3) No change.
 (4) Processing fees are as follows:
 (a) through (p) No change.
 (q) Unless otherwise specified in this rule, the fee for applications for relief mechanisms shall be as follows:

1. Site specific alternative criteria for each water quality criteria ~~\$15,000~~ \$5,000
 2. through 6. No change.
 (r) through (z) No change.
 (5) through (8) No change.

62-4.244 Mixing Zones: Surface Waters.
 (1) Zones of mixing for non-thermal components of discharges.
 (a) through (i) No change.
~~(j) Additional standards which apply within mixing zones in Class I, II and Class III waters are as follows:~~
 1. ~~The dissolved oxygen shall not average less than 4.0 milligrams per liter; and,~~
 (j)2. Within mixing zones in Class I, Class II, and Class III waters, the ~~The~~ turbidity shall not average greater than 41 Nephelometric Turbidity Units above natural background.
 (k) No change.
 (2) through (7) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.300
 RULE TITLE: Findings, Intent, and Antidegradation Policy for Surface Water Quality
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 53, March 18, 2013 issue of the Florida Administrative Register.

The changes are made in response to written and oral comments from the public and the Joint Administrative Procedures Committee, and to correct several scribes' errors that do not affect the substance of the rule. The proposed rule has changed so that when it is adopted it will read:

62-302.300 Findings, Intent, and Antidegradation Policy for Surface Water Quality.
 (1) through (18) No change.
 (19) The implementation of numeric nutrient standards under Rules 62-302.531 and 62-302.532, F.A.C., shall be implemented consistent with the document titled "Implementation of Florida's Numeric Nutrient Standards," dated April ~~March~~ 2013, which is incorporated by reference herein. Copies of this document may be obtained ~~from the Department's internet site at~~ http://www.dep.state.fl.us/water/wqssp/swq_does.htm ~~or~~ by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. This document references the following documents, which are incorporated by reference in

Rule 62-302.531, which is not yet effective – see editorial note for Rule 62-302.531, F.A.C.

(a) The following documents are incorporated by reference herein and may be obtained from the address above:

1. Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP-SAS-001/11), dated October 24, 2011;

2. Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011;

3. SCI 1000 Stream Condition Index Methods (DEP-SOP-003/11), dated September 19, 2012;

4. LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated September 19, 2012;

5. FS 7000 General Biological Community Sampling (DEP-SOP-001/01), dated September 19, 2012;

6. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated September 19, 2012;

7. Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP-SAS-004/11), dated October 24, 2011;

8. Applicability of Chlorophyll *a* Methods (DEP-SAS-002/10), dated October 24, 2011;

9. Map of the Nutrient Watershed Regions, dated October 17, 2011;

10. Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724;

11. Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated July 9, 2006; and

12. Rules 62-302.200 and 62-302.400, paragraphs 62-302.530(47)(a) and (47)(b), and Rules 62-302.531, 62-302.532, 62-302.800, 62-303.100, 62-303.350, 62-303.353, 62-303.390, 62-303.450, 62-340.200, 62-620.610, 62-620.620, 62-650.400, and 62-650.500, F.A.C.

(b) The following documents, each of which is incorporated by reference herein, are cited in Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP-SAS-001/11), dated October 24, 2011:

1. SCI 1000 Stream Condition Index Methods (DEP-SOP-003/11), dated September 19, 2012;

2. LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated September 19, 2012;

3. FS 7000 General Biological Community Sampling (DEP-SOP-001/01), dated September 19, 2012;

4. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated September 19, 2012;

5. Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP-SAS-004/11), dated October 24, 2011; and

6. Development of Aquatic Life Use Support Attainment Thresholds for Florida's Stream Condition Index and Lake Vegetation Index (DEP-SAS-003/11), dated October 24, 2011.

(c) The following document, which is incorporated by reference herein, is cited in Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011: LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated September 19, 2012.

(d) The following documents, each of which is incorporated by reference herein, are cited in one of the Standard Operating Procedures identified above in paragraph 62-302.300(19)(a), F.A.C.

1. SCI 1000 Stream Condition Index Methods (DEP-SOP-003/11), dated September 19, 2012;

a. Merritt, R.W., and Cummins, K.W., An Introduction to the Aquatic Insects of North America, Third Edition, 1996;

b. Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP-SAS-001/11), dated October 24, 2011; and

c. FT 3100 Stream and River Habitat Assessment (DEP-SOP-001/01), dated September 19, 2012.

2. LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated September 19, 2012;

a. Rule 62-340.450, F.A.C.; and

b. Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011.

3. FS 7000 General Biological Community Sampling (DEP-SOP-001/01), dated September 19, 2012: Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011.

4. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated September 19, 2012: FA 5720, Section 1, Training for Habitat Assessment Testing, in DEP-SOP-001/01, dated September 19, 2012.

(e) The following documents, each of which is incorporated by reference herein, are cited in Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP-SAS-004/11), dated October 24, 2011, identified above in Subsection 62-302.300(19), F.A.C.

1. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated September 19, 2012;

2. Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP-SAS-001/11), dated October 24, 2011;

3. Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011;

4. Chapters 62-160 and 62-303, paragraphs 62-302.530(47)(b), 62-302.531(2)(a), and 62-302.531(c), and Rules 62-302.531 and 62-302.800, F.A.C.;

5. Process for Assessing Data Usability (DEP-EA 001/07), dated March 31, 2008;

6. Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance, U.S. Environmental Protection Agency, EPA-530/R-09-007, March 2009; and

7. Helsel, D.R. and R. M. Hirsch, Techniques of Water-Resources Investigations of the United States Geological Survey, Book 4, Hydrologic Analysis and Interpretation, Chapter A3, Statistical Methods in Water Resources, pages 80 – 81, September 2002, U.S. Geological Survey.

(f) The following scientific analytical methods and documents, each of which is incorporated by reference herein, are cited in Applicability of Chlorophyll *a* Methods (DEP-SAS-002/10), dated October 24, 2011, identified above in Subsection 62-302.300(19), F.A.C.

1. Method 445.0 *In Vitro* Determination of Chlorophyll *a* and Pheophytin *a* in Marine and Freshwater Algae by Fluorescence, Elizabeth J. Arar and Gary B. Collins, Revision 1.2, September 1997, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH;

2. Method 446.0 *In Vitro* Determination of Chlorophylls *a*, *b*, *c*₁ + *c*₂ and Pheopigments in Marine And Freshwater Algae by Visible Spectrophotometry, adapted by Elizabeth J. Arar, Revision 1.2, September 1997, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH;

3. Method 447.0 Determination of Chlorophylls *a* and *b* and Identification of Other Pigments of Interest in Marine and Freshwater Algae Using High Performance Liquid Chromatography with Visible Wavelength Detection, Elizabeth J. Arar, Version 1.0, September 1997, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH; and

4. Standard Methods for the Examination of Water and Wastewater, Methods H.2.b, H.3. and H.4., 1999, American Public Health Association, American Water Works Association, Water Environment Federation.

(g) The following rules, each of which is incorporated by reference herein, are cited in Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated July 9, 2006: Rules 62-4.242 and 62-4.246, F.A.C., paragraphs 62-4.244(3)(a) and (d), F.A.C., Chapters 62-160, 62-302, 62-520, 62-522, 62-528, 62-600, 62-601, 62-604, 62-610, 62-611,

62-620, 62-625, 62-640, 62-650, 62-660, 62-670, 62-671, 62-672, and 62-673, F.A.C.

Additionally, pages within the DEP document titled, “Implementation of Florida’s Numeric Nutrient Standards,” incorporated by reference in subsection 62-302.300(19), F.A.C., were modified in response to written comments from the Joint Administrative Procedures Committee (JAPC). Page 11 was modified to delete a Department internet hyperlink. Pages 11-12 were modified to delete unnecessary rule text. Page 13 was modified to clearly identify what the term “C of C score” means. Page 30 was modified to cross reference various sections of the Implementation Document in response to JAPC. Pages 45, 50, and 51 were modified to provide clarity as requested by JAPC, and page 56 was modified to correct a scrivener’s error.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

- 62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters
- 62-302.533 Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 63, April 1, 2013 issue of the Florida Administrative Register.

The changes are made in response to written and oral comments from the Joint Administrative Procedures Committee, or as the result of staff recommendations that were discussed at an adoption hearing held on April 23, 2013. The proposed rule has changed so that when it is adopted it will read:

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

(1) through (7) No change.

(8) A petition for reclassification shall reference and be accompanied by the information necessary to support the affirmative findings required in this section, as described in the DEP document titled, “Process for Reclassifying the Designated Uses of Florida Surface Waters” (DEP-SAS-001/10), dated June 2010, incorporated by reference herein. Copies of the Process document may be obtained ~~from the Department’s internet site at <http://www.dep.state.fl.us/water>~~ or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(9) through (16) No change.

62-302.533 Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters.

(1) through (4) No change.

(5) Ambient DO levels above the minimum criteria specified in subsections 62-302.533(1) and (2), F.A.C., shall be maintained in accordance with and subject to Rules 62-302.300 and 62-4.242, F.A.C. Ambient DO levels will be considered to have declined, for purposes of this subsection ~~This provision is not achieved~~ if, after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, quality assurance issues, and changes in analytical methods, a waterbody segment is shown to have a statistically significant decreasing trend in DO percent saturation or an increasing trend in the range of daily DO fluctuations at the 95 percent confidence level using the one-sided Seasonal Kendall test for trend, as described in Helsel, D.R. and R.M. Hirsh, 2002, Statistical Methods in Water Resources, USGS, pages 338 through 340, which is incorporated by reference herein, or an alternative statistically valid trend at a one-sided confidence level of 95 percent. It must be demonstrated that the data satisfy all statistical assumptions of any alternative method used, including residual distribution, variance, and shape of relationship.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-303.320	Exceedances of Aquatic Life-Based Water Quality Criteria
62-303.420	Aquatic Life-Based Water Quality Criteria Assessment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 63, April 1, 2013 issue of the Florida Administrative Register.

The changes are made in response to written and oral comments from the Joint Administrative Procedures Committee that were discussed at an adoption hearing held on April 23, 2013. The proposed rule has changed so that when it is adopted it will read:

62-303.320 Aquatic Life-Based Water Quality Criteria Assessment.

(1) through (4) No change.

(5) For assessment of the portions of the Suwannee, Withlacoochee (North), and Santa Fe Rivers utilized by the Gulf Sturgeon, and in the portions of the Santa Fe and New Rivers utilized by the Oval Pigtoe Mussel, waters will be listed on the planning list when more than 50 percent of the measurements are below the applicable median or more than 10 percent of the daily average values are below the applicable

10th percentile value at a minimum of a 80 percent confidence level using the binomial distribution. The applicable median and 10th percentile values are specified by river segment in Appendix I of the “*Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters*” (DEP-SAS-001/13), dated March, 2013, which is incorporated by reference herein. Copies of Appendix I may be obtained ~~from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm~~ or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(6) For predominantly marine waters, the Department shall evaluate the daily average DO criterion using Table 1 set forth in subsection 62-303.320(1) above, and shall also evaluate whether the seven-day and 30-day average criteria have been achieved during the planning period. A water segment shall be placed on the planning list for potential DO impairment if the number of samples that do not meet the daily average DO criterion is greater than or equal to the number listed in Table 1 for the given sample size, or if it has a weekly average value below the weekly average DO criterion or a monthly average value below the monthly average DO criterion in the planning period.

(6)(a) through (6)(e) No change.

(7) through (10) No change.

(11) For the assessment of the DO criteria, any DO data collected as a concentration in mg/l shall be converted to percent saturation using the temperature and salinity measured at the same location within fifteen minutes of the DO measurement. Percent DO saturation shall be calculated using the method in Section 5.4 of the “*Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters*,” (DEP-SAS-001/13), dated March, 2013, which is incorporated by reference herein. Copies of Section 5.4 may be obtained ~~from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm~~ or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(12) through (13) No change.

(14) A water segment shall be placed on the planning list for DO impairment if there has been a statistically significant decreasing trend in DO levels or increasing trend in the range of daily DO fluctuations at the 90 percent confidence level using a one-sided Seasonal Kendall test for trend, as described in Helsel, D.R. and R.M. Hirsh, 2002, Statistical Methods in Water Resources, USGS, pages 338 though 340, which are incorporated by reference herein, after controlling for or

removing the effects of confounding variables, such as climatic and hydrologic cycles, quality assurance issues, and changes in analytical methods, and except as provided for under Rules 62-302.300 and 62-4.242, F.A.C. A copy of pages 338 through 340 may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-does.htm> or by writing to the Florida Department of Environmental Protection FDEP, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

62-303.420 Aquatic Life-Based Water Quality Criteria Assessment.

(1) through (9) No change.

(10) For predominantly marine waters, the Department shall evaluate the daily average DO criterion using Table 3 set forth in subsection 62-303.420(1), F.A.C. above, of this section and shall also evaluate whether the seven-day and 30-day average criteria have been achieved during the verified period. A water segment shall be placed on the verified list for DO impairment if the number of samples that do not meet the daily average DO criterion is greater than or equal to the number listed in Table 3 for the given sample size, or if there is more than one weekly average value below the weekly average DO criterion in any twelve week period of the verified period or more than one monthly average value below the monthly average DO criterion in any calendar year of the verified period. Prior to placing a waterbody on the verified list, the Department shall identify the causative pollutant(s) responsible for the exceedances of the DO criteria. Before assessing the weekly and monthly average DO criterion, the DO data shall be evaluated pursuant to subsections 62-303.420(3) and (5), F.A.C.

(10)(a) through (10)(e) No change.

(11) through (13) No change.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-2.006 Trauma Registry
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 53, March 18, 2013 issue of the Florida Administrative Register.

64J-2.006 Trauma Registry and Trauma Quality Improvement Program.

(1) No change.

(2) Level I and Level II ~~All~~ verified trauma centers must maintain participation ~~membership~~ in the American College of Surgeons Trauma Quality Improvement Program.

PROPOSED EFFECTIVE DATE: Upon legislative ratification July 1, 2013

Rulemaking Authority 395.401(2), 395.405 FS. Law Implemented ~~395.3025(4)(f)~~, 395.401(2), ~~395.4015~~, ~~395.402~~, ~~395.4025(9)~~, 395.404, ~~395.4045~~, ~~395.405~~, ~~401.30~~, ~~401.35~~ FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05, 4-25-06, 7-8-08, Formerly 64E-2.018, Amended 11-5-09, 7-1-2013.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:

- 68B-43.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species
- 68B-43.002 Definitions
- 68B-43.003 Size Limit; Bluefish to be Landed in Whole Condition
- 68B-43.004 Bag Limits
- 68B-43.005 East Coast Commercial Harvest: Daily Vessel Harvest and Possession Limit; Season Harvest Limit; Gear Specifications

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 90, May 8, 2013 issue of the Florida Administrative Register.

The following text was inadvertently omitted from the notice of proposed rule and should have been included:

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 proposed rule is updating outdated provisions in the bluefish rule and no regulatory costs are anticipated.

**Section IV
Emergency Rules**

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice:

It has issued an order granting a variance.

Petitioner's Name: Mitchell and Anita Duff; Joseph and Dawn Furnari; Brett and Mindy Rickey; Dennison and Laura Goff; and Allen Tedder, Jr. – File Tracking No. 13-4155

Date Petition Filed: April 17, 2013

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: April 18, 2013

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x. 2298, water.variances@watermatters.org.

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 May 17, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for AT&T Gardenia CO. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-160).

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

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 May 20, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tampa Cove Condominium Association, Inc. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-161).

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

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 May 20, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Administration Building, Tampa Water Department. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 303.3d, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires a supply line shutoff valve which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-162).

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

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 May 21, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Cedar Bay Generating Plant. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.2.2.5 and 2.27.4.2, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators sump pump and phase I emergency recall operation by fire alarm initiating devices which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-163). A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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 May 17, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Holiday Inn Express Pensacola-West Navy Base. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.8.5.4, as adopted by sub section 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators air conditioning access which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-159).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On May 23, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from 612 Beach Road Condos (2), filed April 29, 2013, and

advertised on May 2, 2013 in Vol. 39, No. 86, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.1.5 and 2.15.9.2 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires platform guards and bottom car clearance because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-126).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On May 23, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from USFSP Marine Science Lab, filed May 7, 2013, and advertised on May 9, 2013 in Vol. 39, No. 91, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4, and 8.11.2.1.3(cc)1&3 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-138).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On May 10, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for

Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Paragraph 3-305.14, 2009 FDA Food Code, Paragraph 6-202.15, 2009 FDA Food Code, Paragraph 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Gerardo Fiallos Mobile Unit located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 39/94 on May 14, 2013. The Order for this Petition was signed and approved on May 20, 2013. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:

64B2-13.004: Continuing Education

NOTICE IS HEREBY GIVEN that on May 20, 2013, the Board of Chiropractic Medicine, received a petition for William E. Ziegenfelder, D.C. Petitioner is seeking a waiver or variance of subsection 64B2-13.004(5), Florida Administrative Code, which requires that when attending an approved course, a licensee must provide a photo identification and sign in and out each time they enter or exit the meeting site and the licensee's attendance must be certified

by the course's registrar and submitted to the Board as verification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: William Miller, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.004: Application and Selection Procedures for Developments

NOTICE IS HEREBY GIVEN that on May 23, 2013, the Florida Housing Finance Corporation, received a petition for waiver from St. Martins PL, LTD., and BHG St. Martins PL, LTD., of Part II.A.2.c.(2) of the 2011 Universal Application Instructions, UA1016 (Rev. 2-11), and Rule 67-48.004, F.A.C. to allow change of applicant entity prior to home loan closing.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 12, 2013, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee

DATE AND TIME: June 13, 2013, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no

formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131. 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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

DEPARTMENT OF EDUCATION

The Blind Services Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 5, 2013, 3:00 p.m.

PLACE: Teleconference – Contact Ted Hull for the number at (813)251-9245 or thull10@tampabay.rr.com

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting

A copy of the agenda may be obtained by contacting: Ted Hull, Chairman, Phone: (813)251-9245, E-mail: thull10@tampabay.rr.com.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: Wednesday, June 5, 2013, 10:00 a.m.

PLACE: Orlando Urban Office, 133 South Semoran Blvd., Orlando, FL 32807

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 43219315201; Project Description: I-4 Ultimate Project.

The purpose of the meeting is for the Project Selection Committee to meet and make decisions regarding the Short-Listing of Proposers on the I-4 Ultimate Project. The meeting will be recorded. Additionally, any person may record the meeting. The minutes for the I-4 Short-List Meeting of May

21, 2013 can be found at <http://www.dot.state.fl.us/contractsadministrationdistrict5/PublicPrivatePartnership/PublicPrivatePartnership.shtm>

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

A copy of the agenda may be obtained by contacting: Michelle Sloan, michelle.sloan@dot.state.fl.us or (386)943-5528.

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: Michelle Sloan. Persons who require translation services (free of charge) should contact Michelle Sloan at the phone number above. 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: Michelle Sloan, michelle.sloan@dot.state.fl.us or (386)943-5528. Additional information on the project is also available at <http://www.moving-4-ward.com/>.

METROPOLITAN PLANNING ORGANIZATIONS

Miami Urban Area

The Miami-Dade County Transportation Disadvantaged Local Coordinating Board (LCB) announces a public meeting to which all persons are invited.

DATE AND TIME: June 11, 2013, 1:30 p.m.

PLACE: Stephen P. Clark Center, 111 NW 1st Street, CITT Conference Room, 10th Floor, Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: A. PUBLIC HEARING

B. FY 2013-14 TRIP & EQUIPMENT GRANT RATE MODEL

C. TRANSPORTATION DISADVANTAGED SERVICE PLAN UPDATE

D. TRANSPORTATION DISADVANTAGED PROGRAM UPDATE

E. MEDICAID NON-EMERGENCY TRANSPORTATION UPDATE

A copy of the agenda may be obtained by contacting: Elizabeth Rockwell at (305)375-1881 or erock@miamidade.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 5 days before the workshop/meeting by

contacting: Elizabeth Rockwell at (305)375-1881 or erock@miamidade.gov. 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: Elizabeth Rockwell at (305)375-1881 or erock@miamidade.gov.

WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: June 5, 2013, 9:00 a.m.

PLACE: 7601 HWY 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.watmatters.org/calendar/calendar.php/.

A copy of the agenda may be obtained by contacting: Carol Lynch, (813)985-7481, ext. 2004.

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: SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, ext. 4702; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

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

DATE AND TIME: June 11, 2013, 9:00 a.m.

PLACE: Boca Raton Marriot, 5150 Town Center Circle, Boca Raton, FL 33486

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General Business.

A copy of the agenda may be obtained by contacting: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1981.

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 Auctioneers, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1981. 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 Auctioneers, (850)717-1981.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-14.010: Real Estate Broker

The Florida Real Estate Commission announces a workshop to which all persons are invited.

DATE AND TIME: June 18, 2013, 8:30 a.m.

PLACE: Division of Real Estate, 400 W. Robinson Street, Suite N901, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Rule 61J2-14.010 and how it applies to licensed property managers and the amount of money they place in their escrow accounts.

A copy of the agenda may be obtained by contacting: Juana Watkins, Director, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801, (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Friday, June 14, 2013, 9:00 a.m. (Only)

PLACE: Marjorie Stoneman Douglas Building, Conference Rooms A&B, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The previous noticed meeting of the Acquisition and Restoration Council (ARC) for the purpose of conducting business will proceed as scheduled and public testimony will be heard on the above date. The public hearing for Thursday, June 13, 2013 has been cancelled.

A copy of the agenda may be obtained by contacting: Amanda Marsh, Office of Environmental Services at (850)245-2784 or on the web at www.dep.state.fl.us/lands/arc_calendar.htm.

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: Amanda Marsh, Office of Environmental Services at (850)245-2784 or amanda.marsh@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Amanda Marsh, Office of Environmental Services at (850)245-2784 or amanda.marsh@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: June 11, 2013, 9:30 a.m. – 11:30 a.m.

PLACE: Kissimmee Civic Center, 201 East Dakin Ave, Kissimmee, Florida 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Announcing a Technical Meeting for the Basin Management Action Plan (BMAP) for Lake Okeechobee. Topics will include an overview of the Upper and Lower Kissimmee sub-watersheds and ongoing and planned water quality restoration efforts. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs).

A copy of the agenda may be obtained by contacting: Beth Alvi, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail Elizabeth.Alvi@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Beth Alvi at (850)245-8559. 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 HEALTH

Board of Psychology

The Department of Health, Board of Psychology announces a special conference call meeting to which the public may attend. announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 4, 2013, 8:00 a.m. E.S.T. or soon thereafter

PLACE: Conference Call: 1(888)670-3525. After dialing the meet me number, when prompted, insert the 4389078941 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Petition for Waiver or Variance.

A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255 or by visiting our website at: <http://doh.state.fl.us/mqa/psychology/index.html> or by calling the board office at (850)245-4373, ext. 3468.

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 board office at (850)488-0595. 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.

CLERK OF COURT OPERATIONS CORPORATION

The Florida Clerks of Court Operations Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 11, 2013, 3:00 p.m. ET

PLACE: Royal Palm East Room, Saddlebrook Resort, Wesley Chapel, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Budget and other related issues.

A copy of the agenda may be obtained by contacting: www.flccoc.org or calling (850)386-2223.

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION (TPO)

The St. Lucie Transportation Planning Organization (TPO) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 12, 2013, 2:00 p.m.

PLACE: St. Lucie TPO, 466 SW Port St. Lucie Boulevard, Suite 111, Port St. Lucie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular meeting of the St. Lucie Local Coordinating Board for the Transportation Disadvantaged (LCB).

A copy of the agenda may be obtained by contacting: Marceia Lathou, Transit Program Manager, St. Lucie TPO, 466 SW Port St. Lucie Boulevard, Suite 111, Port St. Lucie, Florida, (772)462-1671.

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 five days before the workshop/meeting by contacting: Marceia Lathou, Transit Program Manager, St. Lucie TPO, 466 SW Port St. Lucie Boulevard, Suite 111, Port St. Lucie, Florida, (772) 462-1671. 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: Marceia Lathou, Transit Program Manager, St. Lucie TPO, 466 SW Port St. Lucie Boulevard, Suite 111, Port St. Lucie, Florida, (772)462-1671.

FLORIDA INSURANCE GUARANTY ASSOC., INC.
The Finance & Audit Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2013, 9:00 a.m.

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Committee will meet to discuss general business of the Association. The agenda will include but not limited to: AGFG Audit Report, 990 Tax Return and 2013 Audit Fees.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

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: Cathy Irvin, (850)386-9200. 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).

FLORIDA SURPLUS LINES SERVICE OFFICE
The Florida Surplus Lines Service Office, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2013, 1:00 p.m.

PLACE: Ponte Vedra Inn & Club, Ponte Vedra, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Quarterly Board of Governors meeting. General matters to come before the Board.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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: Jessica VanDenBogaert at (800)562-4496 or jvandenbogaert@fslso.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 VI
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

Notice of Petition for Administrative Determination has been 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

NONE

Section XII
Miscellaneous

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
RULE NO.: RULE TITLE:
40E-24.201: Year-Round Landscape Irrigation Conservation Measures

Notice of Correction to Notice of Receipt of
Petition for Variance

The South Florida Water Management District hereby gives notice that the Notice of Receipt of Petition for Variance

published in the Florida Administrative Register, Vol. 39, No. 48, on March 11, 2013, originally listed the Petitioner/Applicant as Stephen Ross. Upon review, it was determined that the correct Petitioner/Applicant is 702 Associates, LLC. The Petition for Variance was received by the District on February 26, 2013, and assigned Application No. 130226-16. On May 9, 2013, the Governing Board issued an Order Granting Variance under Section 120.452, Fla. Stat., (Order No. 2013-044-DAO-WU) to 702 Associates, LLC, concerning its property located in Palm Beach County. The Order grants a Variance from paragraph 40E-24.201(7), Fla. Admin. Code, which states that irrigation of existing landscape, shall be conducted on specific days. A Notice of Disposition, regarding the Order Granting Variance, was published in the Florida Administrative Register, Vol. 39, No. 96, on May 16, 2013.

A copy of the Order or additional information may be obtained by contacting: The South Florida Water Management District's Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, (561)682-6911 or by email to: permits@sfwmd.gov or by accessing the District's website: www.sfwmd.gov using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NO.: RULE TITLE:
 62-302.300: Findings, Intent, and Antidegradation Policy for Surface Water Quality

NOTICE OF AVAILABILITY OF REVISED STATEMENT OF ESTIMATED REGULATORY COSTS

In accordance with Section 120.541 of the Florida Statutes, the Florida Department of Environmental Protection (Department) announces the availability of a revised Statement of Estimated Regulatory Costs (SERC) to persons who request it associated with the Department's rulemaking to amend Rule 62-302.300, F.A.C., to incorporate by reference a document titled "Implementation of Florida's Numeric Nutrient Standards" that describes how Florida's surface water quality numeric nutrient standards will be implemented (OGC No. 13-0895).

A copy of the revised SERC may be obtained by contacting Eric Shaw, Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, MS 6511, 2600 Blair Stone Road, Tallahassee, Florida 32399, telephone (850)245-8429 or e-mail Eric.Shaw@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NO.: RULE TITLE:
 62-302.533: Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters

NOTICE OF AVAILABILITY OF REVISED STATEMENT OF ESTIMATED REGULATORY COSTS

In accordance with Section 120.541 of the Florida Statutes, the Florida Department of Environmental Protection (Department) announces the availability of a revised Statement of Estimated Regulatory Costs (SERC) to persons who request it associated with the Department's revised dissolved oxygen surface water quality criteria codified in Rule 62-302.533, F.A.C. (Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters; OGC No. 12-1353). A copy of the revised SERC may be obtained by contacting Eric Shaw, Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, MS 6511, 2600 Blair Stone Road, Tallahassee, Florida 32399, telephone (850)245-8429 or e-mail Eric.Shaw@dep.state.fl.us.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development

FINAL ORDER NO. DEO-13-052
 STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY MONROE COUNTY, FLORIDA,
 ORDINANCE NO. 013-2013

FINAL ORDER
APPROVING MONROE COUNTY ORDINANCE
NO. 013-2013

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat. (2012), approving land development regulations adopted by Monroe County, Florida, Ordinance No. 013-2013 (the "Ordinance").

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., 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 20, 2013, and rendered to the Department on April 11, 2013.

3. The Ordinance amends Section 138-22(2), Monroe County Code, related to the transfer of ROGO exemptions. The Ordinance clarifies that a lawfully established hotel room, motel room, campground space, recreational vehicle space, mobile home, or dwelling unit may be transferred to another hotel, motel, or recreational vehicle park in the same ROGO subarea, except that ROGO exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea; prohibits clearing of native habitat on the receiver site; prohibits development in a velocity zone on the receiver site; and adds a requirement for notice of proposed transient ROGO transfers to property owners within 300 feet of both the receiver and sender sites. The Ordinance also allows the transfer of a lawfully established permanent residential dwelling unit to a Tier III or Tier III-A receiver site in the same ROGO subarea for the purpose of affordable housing, where the development is not in a velocity zone and does not involve the clearing of any native habitat.

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) and (11) 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. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principle in § 380.0552(7), Fla. Stat.:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

8. The Ordinance is consistent with the Monroe County Comprehensive Plan, particularly Future Land Use Element Policies 101.5.8 and 101.2.6.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No. 013-2013 is found to be consistent with the Principles for Guiding Development of 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, Leon County, Florida.

/s/ _____

William B. Killingsworth, Director
 Division of Community Development
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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

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

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

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
Telephone: 850-245-7150
Fax Number 850-921-3230
Email: Miriam.Snipes@deo.myflorida.com

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the methods indicated this 24th day of May, 2013.

_____/s/_____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: 850-717-8531

By U.S. Mail:

The Honorable George Neugent
Mayor, Monroe County
500 Whitehead Street
Key West, FL 33040

Amy Heavilin
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, FL 33040

Christine Hurley, Director
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, FL 33050

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DEO Tallahassee
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No. DEO-13-053

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS, FLORIDA, ORDINANCE NO. 13-12

FINAL ORDER

APPROVING ISLAMORADA ORDINANCE NO. 13-12

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat. (2012), approving land development regulations adopted by Islamorada, Village of Islands, Florida, Ordinance No. 13-12 (the “Ordinance”).

FINDINGS OF FACT

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

2. The Ordinance was adopted by Islamorada, Village of Islands, on March 28, 2013, and rendered to the Department on April 1, 2013.

3. The Ordinance amends the Village Code of Ordinances, Chapter 6, “Buildings and Building Regulations,” Article III, “Floodplain Management Standards,” to update and modify the floodplain management provisions consistent with Federal Emergency Management Agency (“FEMA”) requirements and standards following a FEMA Community Assistance Visit on September 17 and 18, 2012. The Ordinance ensures that the floodplain management standards apply to both pre- and post-Flood Insurance Rate Map structures and brings the Village’s floodplain management provisions further into conformance with National Flood Insurance Program requirements.

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) and (11) 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. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers 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.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

8. The Ordinance is consistent with Objective 6-1.3, Public Utilities Policy 4-3.2.6, and Conservation Policy 6-1.3.1 of the Islamorada, Village of Islands, Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Islamorada, Village of Islands, Ordinance No. 13-12 is found to be 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, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE

REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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

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

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
PHONE (850)245-7150
FAX (850)921-3230

Email: Miriam.Snipes@deo.myflorida.com

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

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 24th day of May, 2013.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: (850)717-8531

By U.S. Mail:

Honorable Ken Philipson
Mayor, Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

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

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

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DEO Tallahassee
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

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.
