

~~(e) The Department will send written correspondence to each rescindment applicant within ten working days of receipt of the application for rescindment regarding the amount of the rescindment or the reason the rescindment could not be approved.~~

~~(d) If the approval of a rescindment reopens the credit allocation for a year in which the annual allotment had previously been reached, the Department will notify each nonprofit scholarship funding organization that additional credit is available for allocation for that year.~~

Rulemaking Authority 213.06(1), 220.187, 220.51 FS. Law Implemented 213.05, 213.35, 213.755, 220.03(1), 220.131, 220.187, 220.44, 624.51055 FS. History—New 3-15-04, Amended 4-5-07, 4-26-10, Repealed.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (11) No change.

(12)(a) F-1160	Application for Corporate Income Tax and Insurance Premium Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (R-07/09)	04/10
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(b) F-1161	Application for Rescindment of Corporate Income Tax and Insurance Premium Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (R-07/09)	04/10
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(13) through (15) renumbered (12) through (14) No change.

Rulemaking Authority 213.06(1), ~~220.187~~, 220.192(7), 220.193(4), 220.51, 1002.395(13) FS. Law Implemented 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875 ~~220.187~~, 220.1895, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.51055, 1002.395 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05 5-1-06, 1-1-08, 1-27-09, 1-11-10, 4-26-10(12(a)(b), 4-26-10(13)(a)(b), 6-28-10, 1-12-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on September 24, 2010 (Vol. 36, No. 38, pp. 4561-4562). A rule development workshop was held on October 11, 2010. No comments were received by the Department.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NO.:

RULE TITLE:

5M-5.002

Approved Citrus BMPs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 8, February 25, 2011 issue of the Florida Administrative Weekly.

The correct edition date for the *Water Quality/Quantity BMPs for Indian River Citrus Groves* is January 2005.

The correct title for the *Gulf Citrus BMP manual* is *Best Management Practices for Gulf Citrus*.

ADMINISTRATION COMMISSION

RULE NOS.:

RULE TITLES:

28-18.100

Purpose and Effect

28-18.400

Comprehensive Plan

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. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

28-18.100 Purpose and Effect.

~~(1) The purpose of this Chapter is to amend the Comprehensive Plan of the City of Marathon, effective date of May 5, 2005, within the Florida Keys Area of Critical State Concern, pursuant to Section 380.0552(9), F.S. In order to provide an accurate record of the amendments approved by this~~

chapter, each set of amendments is set forth in a separate rule section. If any provision of the comprehensive plan is amended by two rule sections, the latest amendment shall control.

(2) As provided in Sections 380.05(10) and 380.0552(7), F.S., the Comprehensive Plan of the City of Marathon ~~adopted herein~~ shall be superseded by amendments which are proposed by Marathon and approved by the Department of Community Affairs pursuant to Sections 380.05(6) and 380.0552(9), F.S.

Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History—New_____.

28-18.400 Comprehensive Plan.

(1) The Comprehensive Plan of the City of Marathon, as the same exists on January 1, 2011, is hereby amended to read as follows:

(2) Policy 1-3.5.18 Marathon Work Program Conditions and Objectives.

(a) The number of allocations issued annually for residential development under the Residential Building Permit Allocation System (BPAS) shall not exceed a total annual unit cap of 30, plus any available unused BPAS allocations from a previous year. Unused BPAS allocations may be retained and made available only for affordable housing and Administrative Relief from BPAS year to BPAS year. Unused market rate allocations shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. This BPAS allocation represents the total number of allocations for development that may be issued during a year. A BPAS year means the twelve-month period beginning on July 13. Policy 1-3.5.18 supersedes Policy 1-3.5.2 of the City of Marathon Comprehensive Plan.

(b) No exemptions or increases in the number of allocations may be allowed, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement as of September 27, 2005 for affordable housing between the Department and the local government in the critical areas.

~~(c) Allocations and permits to construct a new development or redevelopment that requires a modification or a repair to the onsite sewage treatment and disposal system, per Section 381.0065(4)(l) and Section 403.086(10), F.S., and subsection 64E-6.001(4), F.A.C., shall not be issued unless the unit is connected to or will be connected to a central sewer system that has committed funding, a construction permit from the Department of Environmental Protection and the collection system is physically under construction, or the unit has an onsite sewage treatment and disposal system that meets the treatment and disposal requirements of Section 381.0065(4)(l) and Section 403.086(10), F.S.~~

~~(c)(d)~~ Through the Permit Allocation Systems, Marathon shall direct new growth and redevelopment to areas served by a central sewer system by 2015 that has committed or planned funding sources. Committed or planned funding is funding that

is financially feasible and reflected in a Capital Improvements Element approved by the Department of Community Affairs, a construction permit from the Department of Environmental Protection and is physically under construction. Prior to the ranking and approval of awards for an allocation authorizing development of new principal structures, Marathon shall coordinate with the central wastewater facility provider and shall increase an applicant's score by four points for parcels served by a collection line within a central wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of Sections 381.0065(4)(l) and 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a construction design permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

(3) Reporting and Oversight.

~~(a)(e)~~ Beginning November 30, 2011, Marathon and the Department of Community Affairs shall annually report to the Administration Commission documenting the degree to which the work program objectives for the work program year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that progress has not been made, the unit cap for residential development shall be reduced by ~~at least~~ 20 percent for the following year.

~~(b)(f)~~ If the Commission determines that progress has been made for the work program year, then the Commission shall restore the unit cap for residential development for the following year up to a maximum of 30 allocations per BPAS year.

~~(c)(g)~~ Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist.

~~(d)(h)~~ Wastewater treatment and disposal in Marathon is governed by the requirements of Sections 381.0065(4)(l) and 403.086(10), F.S., as amended. Nothing in this rule shall be construed to limit the authority of the Department of Environmental Protection or Department of Health to enforce Sections 381.0065(4)(l) and 403.086(10), F.S., as amended.

(4)(3) Policy 1-2.2.4 Hurricane Modeling.

For hurricane evacuation clearance time modeling purposes, clearance time shall begin when the Monroe County Emergency Management Coordinator issues the evacuation order for the permanent population for a hurricane that is classified as a Category 3-5 wind event or Category C-E surge event category C-E hurricane event. The termination point shall be the intersection of U.S. Highway One and the Florida turnpike in Homestead/Florida City.

~~(5)(4) WORK PROGRAM. Local government annual tasks to achieve progress are the remaining tasks of the Work Program from Rule 28-20.110, F.A.C., and Rule 28-18.400, F.A.C. Hurricane Evacuation tasks from Year 8, Task Q of the Work Program in Rule 28-20.110, F.A.C. Carrying Capacity & Habitat Protection tasks from Year 6, Task C; and Year 8, Task F of the Work Program in Rule 28-20.110, F.A.C. Wastewater tasks from Year 4, Task A; Year 6, Task A; Year 7, Task A of the Work Program in Rule 28-20.110, F.A.C. Water Quality tasks from Year 8, Task M of the Work Program in Rule 28-20.110, F.A.C.~~

(a) Carrying Capacity Study Implementation.

1. By July 1, 2011, Marathon shall adopt a Comprehensive Plan Policy to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any city, county, state or federal agency. Marathon shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.

2. By July 1, 2011, Marathon shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any city, county, state or federal agency.

3. By July 1, 2011, Marathon shall amend the Comprehensive Plan to limit allocations into high quality tropical hardwood hammock.

4. By July 1, 2011, Marathon shall amend the Land Development Regulations to limit allocations into high quality tropical hardwood hammock.

5. By July 1, 2011, Marathon shall adopt a Comprehensive Plan Policy discouraging private applications for future land use map amendments which increase allowable density/intensity on lands in the Florida Keys.

6. By July 1, 2011 and each July thereafter, Marathon shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition grant program.

7. By July 1, ~~2012~~ 2011, Marathon shall enter into a memorandum of understanding with the Department of Community Affairs, Division of Emergency Management, Monroe County, Islamorada, Key West, Key Colony Beach, and Layton after a notice and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys

Hurricane Evacuation Model or other models acceptable to the Department of Community Affairs to accurately depict evacuation clearance times for the population of the Florida Keys.

8. By July 1, ~~2012~~ 2011, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding. Marathon and the Department of Community Affairs shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Business and Economic Research, and other studies). The City shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.

9. By December 1, ~~2012~~ 2011, Marathon shall complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the Department of Community Affairs, Monroe County and each municipality in the Keys.

10. By December 1, ~~2012~~ 2011, the Department of Community Affairs shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The Department will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24-hour hurricane evacuation clearance time. If necessary, the Department of Community Affairs shall work with each local government to amend the respective Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.

11. By July 1, ~~2013~~ 2012, based on the Department of Community Affairs' recommendations, Marathon shall amend the current building permit allocation system (BPAS in the Comprehensive Plan and Land Development Regulations) based on infrastructure availability, level of service standards, environmental carrying capacity, and hurricane evacuation clearance time.

(b) Wastewater Implementation.

1. By July 1, 2011 and each July 1 thereafter, Marathon shall annually evaluate and allocate funding for wastewater implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

~~2. By July 1, 2011, Marathon shall provide a final determination of service areas requiring upgrade to meet Sections 381.0065(4)(l) and 403.086(10), F.S., wastewater~~

~~treatment and disposal standards. This shall be in the form of a resolution, including a map of the non-service areas. The Department of Health, Marathon, and the City's wastewater provider shall explore possible mechanisms to provide upgrades and central management of onsite sewage treatment and disposal systems located in non-service areas of the City. By March 1, 2013, the Department of Health will provide an update to the Department of Community Affairs describing the mechanisms discussed by the parties and the results of those discussions.~~

~~2.3. By December 1, 2013, July 1, 2014~~ Marathon shall work with the owners of wastewater facilities and onsite systems throughout the City and the Department of Environmental Protection (DEP) and the Department of Health (DOH) to fulfill the requirements of Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S., regarding implementation of wastewater treatment and disposal. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet 2015 treatment and disposal requirements.

~~4. By July 1, 2011, Marathon shall adopt an ordinance establishing the upgrade program with implementation dates, time frames, and enforcement for upgrading on-site systems and package plants in non-service areas.~~

~~3.5.~~ By July 1, 2011, Marathon shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.

~~4.6.~~ By July 1, 2011, Marathon shall continue to develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.

~~5.7.~~ By July 1, 2011 and each year through 2013, Marathon shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.

~~6.8.~~ By July 1, 2011, Marathon shall develop a mechanism to provide accurate and timely information and establish Marathon's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.

~~7.9. By December 1, 2014 Beginning July 1, 2013 and each July 1 thereafter,~~ Marathon shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department and the Department of Community Affairs. This report shall describe the status of Marathon's enforcement action and provide the circumstances of why

enforcement may or may not have been initiated. ~~The Monroe County Department of Health and Department of Community Affairs may proceed with enforcement as necessary and appropriate.~~

(c) Wastewater Project Implementation.

1. Sub area 1: Knight's Key.

a. By July 1, 2011, Marathon shall secure plant site; ~~and~~

b. By December 1, 2011, Marathon shall construct Knight's Key Wastewater Plant; ~~and~~

c. By May 1, 2012, Marathon shall initiate connections; and

d. By July 1, 2012, Marathon shall complete connections (100%).

2. Sub area 2: Boot Key (non-service area).

By July 1, 2011, Marathon shall ensure completion of upgrade.

3. Sub area 3: 11 Street – 39 Street (Vaca Key West).

a. By July 1, 2011, Marathon shall complete construction of plant; ~~and~~

b. By July 1, 2011, Marathon shall complete construction of collection system; ~~and~~

c. By July 1, 2011, Marathon shall initiate connections; and

d. By July 1, 2012, Marathon shall complete connections (100%).

4. Sub area 4: Gulfside 39 Street (Vaca Key Central).

By July 1, 2013, Marathon shall complete connections (100%).

5. Sub area 5: Little Venice (60 Street – Vaca Cut East).

a. By July 1, 2012, Marathon shall complete construction of collection system; ~~and~~

b. By July 1, 2012, Marathon shall initiate connections for Phase II; and

c. By July 1, 2013, Marathon shall complete connections (100%) for Phase II.

6. Sub area 6-Vaca Cut-Coco Plum (Fat Key Deer West).

By July 1, 2011, Marathon shall complete connections (100%).

7. Sub area 7: Tom Harbor Bridge-Grassy Key.

a. By July 1, 2012, Marathon shall complete construction of plant; ~~and~~

b. By July 1, 2012, Marathon shall bid and award design of collection system; ~~and~~

c. By July 1, 2012, Marathon shall construction of collection system; ~~and~~

d. By July 1, 2012, Marathon shall initiate connections; and

e. By July 1, 2013, Marathon shall complete connections (100%).

(d) Stormwater Treatment Facilities.

1. Beginning July 1, 2011 and each July 1 thereafter Marathon shall annually evaluate and allocate funding for stormwater implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

2. Beginning July 1, 2011 ~~2010~~ and each July 1 thereafter, Marathon shall annually apply for stormwater grants from the South Florida Water Management District.

3. Sub area 3: 11 Street – 37 Street (Vaca Key West): By July 1, 2011, complete Stormwater Treatment Facilities simultaneously with wastewater projects, including the direct outfall retrofits for 27th Street and 24th Street.

4. Sub area 5: Little Venice (60 Street – Vaca Cut East): By July 1, 2012, complete Stormwater Treatment Facilities simultaneously with wastewater projects.

5. Sub area 7: Tom Harbor Bridge-Grassy Key: By July 1, 2012, complete Stormwater Treatment Facilities simultaneously with wastewater projects.

6. By July 1, 2012, Marathon shall eliminate direct outfall retrofits for: 27th Street, Sombrero Islands, 24th Street, and 52nd Street.

Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida, Telephone (850)922-1782

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:
28-18.300 Work Program Administration
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly has been withdrawn.

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:
28-19.300 Work Program Administration
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly has been withdrawn.

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:
28-19.310 Comprehensive Plan

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. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

28-19.310 Comprehensive Plan.

(1) The Comprehensive Plan of of Islamorada, Village of Islands, as the same exists on January 1, 2011, is hereby amended to read as follows:

(2) Policy 1-3.1.1 Islamorada Work Program Conditions and Objectives.

(a) The number of permits issued annually for residential development under the Residential Building Permit Allocation System (BPAS) shall not exceed a total annual unit cap of 22 market rate units and 6 affordable housing units, plus any available unused BPAS allocations from the previous BPAS year. Unused BPAS allocations may be retained and made available only for affordable housing and Administrative Relief from BPAS year to BPAS year. Unused market rate allocations shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. This BPAS allocation represents the total number of allocations for development that may be issued during a year. A BPAS year means the twelve-month period beginning on July 13.

~~(b) No exemptions or increases in the number of allocations may be allowed, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement as of September 27, 2005, for affordable housing between the Department and the local government in the area of critical state concern.~~

~~(b)(c)~~ Beginning November 30, 2011, the Village and the Department of Community Affairs shall annually report to the Administration Commission documenting the degree to which the work program objectives for the work program year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that progress has not been made, the unit cap for residential development shall be reduced by ~~at least~~ 20 percent for the following year.

~~(d) Allocations and permits to construct a new development or redevelopment that requires a modification or a repair to the onsite sewage treatment and disposal system, per Section 381.0065(4)(1) and Section 403.086(10), F.S., and Rule 64E-6.001(4), F.A.C., shall not be issued unless the unit is connected to or will be connected to a central sewer system that has committed funding, a construction permit from the Department of Environmental Protection and the collection system is physically under construction or the unit has an~~

onsite sewage treatment and disposal system that meets the treatment and disposal requirements of Section 381.0065(4)(1) and Section 403.086(10), F.S.

(e) Through the Permit Allocation Systems, Islamorada shall direct new growth and redevelopment to areas connected to or that will be connected to a central sewer system that has committed funding, a construction permit from the Department of Environmental Protection and is physically under construction. Prior to the ranking and approval of awards for an allocation authorizing development of new principal structures, the Village of Islamorada, shall coordinate with the central wastewater facility provider and shall increase an applicant's score by two points for parcels served by a collection line within a central wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of Section 381.0065(4)(1) and Section 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a design permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

(f) If the Commission determines that progress has been made for the work program year, then the Commission shall restore the unit cap for residential development for the following year up to a maximum of 28 allocations per BPAS year.

(g) Wastewater treatment and disposal in Islamorada is governed by the requirements of Section 381.0065(4)(1) and Section 403.086(10), F.S. Nothing in this rule shall be construed to limit the authority of the Department of Environmental Protection or Department of Health to enforce Section 381.0065(4)(1) and Section 403.086(10), F.S.

(h) Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist.

(3) Policy 2-1.2.10 Hurricane Modeling

For hurricane evacuation clearance time modeling purposes, clearance time shall begin when the Monroe County Emergency Management Coordinator issues the evacuation order for the permanent population for a hurricane that is classified as a Category 3-5 wind event or Category C-E surge event category C-E hurricane event. The termination point shall be the intersection of U.S. Highway One and the Florida turnpike in Homestead/Florida City.

(4) Reporting and Oversight.

(a) Through the Permit Allocation Systems, Islamorada shall direct new growth and redevelopment to areas served by or that would be served a central sewer system by December 2015, that has committed funding or planned funding sources. Committed or planned funding is funding that is financially feasible and reflected in a Capital Improvements Element approved by the Department of Community Affairs. Prior to the ranking and approval of awards for an allocation

authorizing development of new principal structures, the Village of Islamorada, shall coordinate with the central wastewater facility provider and shall increase an applicant's score by two points for parcels served by a collection line within a central wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of Section 381.0065(4)(1) and Section 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a construction permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

(b) If the Commission determines that progress has been made for the work program year, then the Commission shall restore the unit cap for residential development for the following year up to a maximum of 28 allocations per BPAS year.

(c) Wastewater treatment and disposal in Islamorada is governed by the requirements of Section 381.0065(4)(1) and Section 403.086(10), F.S. Nothing in this rule shall be construed to limit the authority of the Department of Environmental Protection or Department of Health to enforce Section 381.0065(4)(1) and Section 403.086(10), F.S.

(d) Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist.

(5)(4) WORK PROGRAM. Local government annual tasks to achieve progress are the remaining tasks of the Work Program from Rule 28 20.110, F.A.C. and Rule 28 19.310, F.A.C. Hurricane Evacuation tasks from Year 8, Task Q of the Work Program in Rule 28 20.110, F.A.C. Carrying Capacity & Habitat Protection tasks from Year 6, Task C; and Year 8, Task F of the Work Program in Rule 28 20.110, F.A.C. Wastewater tasks from Year 4, Task A; Year 6, Task A; Year 7, Task A of the Work Program in Rule 28 20.110, F.A.C.

(a) Carrying Capacity Implementation.

1. By July 1, 2011 and each July 1 thereafter, Islamorada shall evaluate its land acquisition needs and state and federal funding opportunities and apply to at least one state or federal land acquisition grant program.

2. By July 1, 2012 2014, Islamorada shall enter into a memorandum of understanding with the Department of Community Affairs, Division of Emergency Management, Marathon, Monroe Islamorada, Key West, Key Colony Beach, and Layton after a notice, public workshop and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to the Department to accurately depict evacuation clearance times for the population of the Florida Keys.

3. By July 1, 2012 ~~2011~~, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding. Islamorada and the Department of Community Affairs shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Business and Economic Research, and other studies). Islamorada shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.

4. By July 1, 2012 ~~2011~~, Islamorada shall complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the Department of Community Affairs, Monroe County and each municipality in the Keys.

5. By July 1, 2012 ~~2011~~, the Department of Community Affairs shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The Department will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24-hour evacuation clearance time. If necessary, Department of Community Affairs shall work with each local government to amend the Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.

6. By July 1, 2013 ~~2011~~, based on the Department of Community Affairs' recommendations, Islamorada shall amend the current building permit allocation system (BPAS in the Comprehensive Plan and Land Development Regulations) based on infrastructure availability, level of service standards, environmental carrying capacity constraints, and hurricane evacuation clearance time.

(b) Wastewater Implementation.

1. Beginning July 1, 2011 and each July 1 thereafter, Islamorada shall identify any funding for wastewater implementation. Islamorada shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

2. By December 1, 2013 ~~July 1, 2011~~, Islamorada shall provide a final determination of cold spots requiring upgrade to meet Sections 381.0065(4)(l) and 403.086(10), F.S., wastewater treatment and disposal standards. This shall be in the form of a resolution including a map of the non-service areas.

3. By December 1, 2013 ~~July 1, 2011~~, Islamorada shall work with the owners of wastewater facilities and on site systems throughout the Village and the Department of Environmental Protection (DEP) and the Department of Health (DOH) to fulfill the requirements of Section 381.0065(3)(h) and (4)(l), and Section 403.086(10), F.S., regarding implementation of wastewater treatment and disposal systems. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet 2015 treatment and disposal standards.

4. ~~By March 2013, the Department of Health, Islamorada, and the City's wastewater provider shall explore possible mechanisms to provide upgrades and central management of onsite sewage treatment and disposal systems located in non-service areas and unfunded service areas of the City. The Department of Health will provide an update to the Department of Community Affairs describing the mechanisms discussed by the parties and the results of those discussions.~~

5. ~~By July 1, 2011, Islamorada shall adopt an ordinance establishing the upgrade program with implementation dates, time frames, and enforcement for upgrading onsite systems and package plants in non-service areas.~~

~~4.6.~~ By July 1, 2011 and by July 1 of each year thereafter, Islamorada shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.

~~5.7.~~ By September ~~July~~ 1, 2011, Islamorada shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.

~~6.8.~~ By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.

~~7.9.~~ By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall develop a mechanism to provide accurate and timely information and establish Islamorada's annual funding allocations necessary to provide unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.

~~8.40.~~ By December 1, 2013 ~~By July 1, 2013 and each July 1 thereafter~~, Islamorada shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection and the Department of Community Affairs. This report shall describe the status of Islamorada's enforcement action and provide the

circumstances of why enforcement may or may not have been initiated. ~~The Monroe County Department of Health and Department of Community Affairs may proceed with enforcement as necessary and appropriate.~~

(c) Wastewater Project Implementation.

1. By June 1, 2011, Islamorada shall provide a wastewater financing plan to the Department of Community Affairs and Administration Commission.

2. By July 1, 2011, Islamorada shall conclude negotiations with Key Largo Wastewater Treatment District for treatment capacity.

3. By July 1, 2011, Islamorada shall advertise for proposal for design build operate finance construction of Village-wide wastewater system.

4. By July 1, 2011 submit a copy of contract agreement with Key Largo Wastewater District documenting acceptance of effluent or alternative plan with construction of wastewater treatment plants in Village that ensures completion and connection of customers by December 2015.

5. By July 1, 2011, Islamorada shall make available to its customers an additional 700 connections (Phase II) to the North Plantation Key Wastewater Treatment Plant (WWTP).

6. By September 1, 2011, Islamorada shall select the design build operate finance contractor for the Village-wide wastewater system.

7. By October 1, 2011, Islamorada shall submit a wastewater construction status report to the Department of Community Affairs and the Administration Commission which includes substantial completion of construction prior to January 1, 2015 and final completion prior to July 1, 2015.

8. By September 1, 2013, Islamorada shall complete final design of the Village-wide wastewater system.

9. By December 1, 2013, Islamorada shall commence construction of the Village-wide wastewater system.

10. By June 1, 2014, Islamorada shall make available to its customers 25% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.

11. By December 1, 2014, Islamorada shall make available to its customers 50% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.

12. By June 1, 2015, Islamorada shall make available to its customers 75% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.

13. By December 1, 2015, Islamorada shall make available to its customers 100% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.

~~1. By July 1, 2011, Islamorada shall finalize wastewater schedule and funding plan.~~

~~2. Environmental Protection Agency Decentralized Sewer Project.~~

~~a. By July 1, 2011, Islamorada shall award contract for design of system; and~~

~~b. By July 1, 2011, Islamorada shall advertise request for proposal to construct system; and~~

~~c. By July 1, 2011, Islamorada shall award contract for construction; and~~

~~d. By July 1, 2011, Islamorada shall initiate construction; and~~

~~e. By July 1, 2011, Islamorada shall complete construction; and~~

~~f. By July 1, 2011, Islamorada shall connect to decentralized system.~~

~~3. Plantation Key Wastewater Treatment Facility.~~

~~a. By July 1, 2011, Islamorada shall complete an additional 700 connections (Phase II) to the North Plantation Key Wastewater Treatment Plant (WWTP); and~~

~~b. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for the design of the South Plantation Key Wastewater Treatment Plant; and~~

~~c. By July 1, 2011, Islamorada shall award the contract for the design of the South Plantation Key wastewater treatment plant; and~~

~~d. By July 1, 2012, Islamorada shall finalize design of wastewater treatment plant; and~~

~~e. By July 1, 2012, Islamorada shall secure site for the South Plantation wastewater treatment plant; and~~

~~f. By July 1, 2012, Islamorada shall advertise for proposals for construction of wastewater treatment plant; and~~

~~g. By July 1, 2012, Islamorada shall award construction contract for wastewater treatment plant; and~~

~~h. By July 1, 2012, Islamorada shall complete construction of wastewater treatment plant; and~~

~~i. By July 1, 2012, Islamorada shall design the collection system; and~~

~~j. By July 1, 2012, Islamorada shall advertise for proposals for the construction of the collection system; and~~

~~k. By July 1, 2012, Islamorada shall award collection system construction contract; and~~

~~l. By July 1, 2013, Islamorada shall construct collection system; and~~

~~m. By July 1, 2013, Islamorada shall initiate connections to the treatment facility; and~~

~~n. By July 1, 2014, Islamorada shall complete connections (100%) to the treatment facility.~~

~~4. Lower Matecumbe Wastewater Treatment Facility.~~

~~a. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for design of the Lower Matecumbe wastewater treatment plant; and~~

~~b. By July 1, 2011, Islamorada shall award contract for design of Lower Matecumbe wastewater treatment plant; and~~

~~c. By July 1, 2011, Islamorada shall initiate Lower Matecumbe wastewater treatment plant design; and~~

d. By July 1, 2012, Islamorada shall finalize design of Lower Matecumbe wastewater treatment plant; and

e. By July 1, 2012, Islamorada shall secure site for Lower Matecumbe wastewater treatment plant; and

f. By July 1, 2012, Islamorada shall advertise for proposals for construction of Lower Matecumbe wastewater treatment plant; and

g. By July 1, 2012, Islamorada shall award construction contract for Lower Matecumbe wastewater treatment plant; and

h. By July 1, 2012, Islamorada shall design Lower Matecumbe collection system; and

i. By July 1, 2012, Islamorada shall advertise for proposals for construction of Lower Matecumbe wastewater treatment plant; and

j. By July 1, 2012, Islamorada shall award Lower Matecumbe collection system construction contract; and

k. By July 1, 2012, Islamorada shall complete construction of Lower Matecumbe wastewater treatment plant; and

l. By July 1, 2013, Islamorada shall construct Lower Matecumbe collection system; and

m. By July 1, 2013, Islamorada shall initiate connections to Lower Matecumbe treatment facility; and

n. By July 1, 2014, Islamorada shall complete connections (100%) to Lower Matecumbe treatment facility.

5. Upper Matecumbe Wastewater Treatment Facility.

a. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for design of Upper Matecumbe wastewater treatment plant; and

b. By July 1, 2011, Islamorada shall award contract for design of Upper Matecumbe wastewater treatment plant; and

c. By July 1, 2011, Islamorada shall initiate Upper Matecumbe wastewater treatment plant design; and

d. By July 1, 2012, Islamorada shall finalize design of Upper Matecumbe wastewater treatment plant; and

e. By July 1, 2012, Islamorada shall secure site for Upper Matecumbe wastewater treatment plant; and

f. By July 1, 2012, Islamorada shall advertise for proposals for construction of Upper Matecumbe wastewater treatment plant; and

g. By July 1, 2012, Islamorada shall award construction contract for the Upper Matecumbe wastewater treatment plant; and

h. By July 1, 2013, Islamorada shall complete construction of the Upper Matecumbe wastewater treatment plant; and

i. By July 1, 2012, Islamorada shall design the Upper Matecumbe collection system; and

j. By July 1, 2012, Islamorada shall advertise for proposals for the construction of the Upper Matecumbe collection system; and

k. By July 1, 2012, Islamorada shall award the Upper Matecumbe collection system construction contract; and

l. By July 1, 2013, Islamorada shall initiate connections to the Upper Matecumbe treatment facility; and

m. By July 1, 2014, Islamorada shall complete connections (100%) to the Upper Matecumbe treatment facility.

6. Windley Wastewater Treatment Facility.

a. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for design of the Windley wastewater treatment plant; and

b. By July 1, 2011, Islamorada shall award contract for design of the Windley wastewater treatment plant; and

c. By July 1, 2011, Islamorada shall initiate the Windley wastewater treatment plant design; and

d. By July 1, 2012, Islamorada shall complete design of the Windley wastewater treatment plant; and

e. By July 1, 2012, Islamorada shall advertise for proposals for construction of the Windley wastewater treatment plant; and

f. By July 1, 2012, Islamorada shall award construction contract for the Windley wastewater treatment plant; and

g. By July 1, 2013, Islamorada shall complete construction of the Windley wastewater treatment plant; and

h. By July 1, 2013, Islamorada shall design the Windley collection system; and

i. By July 1, 2013, Islamorada shall advertise request for proposals for the construction of the the Windley collection system; and

j. By July 1, 2013, Islamorada shall award the Windley collection system construction contract; and

k. By July 1, 2013, Islamorada shall construct the Windley collection system; and

l. By July 1, 2013, Islamorada shall initiate connections to the Windley treatment facility; and

m. By July 1, 2013, Islamorada shall complete 50% connections to the Windley treatment facility; and

n. By July 1, 2014, Islamorada shall Complete connections (100%) to the Windley treatment facility.

Rulemaking Authority 380.0552(9), 380.05(22) FS Law Implemented 380.0552 FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida, telephone (850)922-1782

ADMINISTRATION COMMISSION

RULE NO.:

RULE TITLE:

28-20.130

Work Program Administration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly has been withdrawn.

ADMINISTRATION COMMISSION

RULE NO.: 28-20.140
 RULE TITLE: Comprehensive Plan
 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. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

28-20.140 Comprehensive Plan.

(1) The Monroe County Comprehensive Plan Policy Document, as the same exists on January 1, 2011, is hereby amended to read as follows:

(2) Policy 101.2.13 Monroe County Work Program Conditions and Objectives.

(a) Monroe County shall establish and maintain a Permit Allocation System for new residential development. The Permit Allocation System shall supersede Policy 101.2.1.

(b) The number of permits issued annually for residential development under the Rate of Growth Ordinance shall not exceed a total annual unit cap of 197, plus any available unused ROGO allocations from a previous ROGO year. Each year's ROGO allocation of 197 units shall be split with a minimum of 71 units allocated for affordable housing in perpetuity and market rate allocations not to exceed 126 residential units per year. Unused ROGO allocations may be retained and made available only for affordable housing and Administrative Relief from ROGO year to ROGO year. Unused allocations for market rate shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. A ROGO year means the twelve-month period beginning on July 13.

(c) This allocation represents the total number of allocations for development that may be issued during a ROGO year. No exemptions or increases in the number of allocations may be allowed, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement as of September 27, 2005, for affordable housing between the Department and the local government in the critical areas.

~~(d) Allocations and permits to construct a new development or redevelopment that requires a modification or a repair to the onsite sewage treatment and disposal system, per Section 381.0065(4), F.S. and subsection 64E 6.001(4), F.A.C., shall not be issued unless the unit is connected to or will be connected to a central sewer system that has committed funding, a construction permit from the Department of Environmental Protection and the collection system is physically under construction or the unit has an onsite sewage treatment and disposal system that meets the treatment and disposal requirements of Section 381.0065(4), F.S.~~

~~(d)(e)~~ Through the Permit Allocation Systems, Monroe County shall direct new growth and redevelopment to areas served or that would be served by a central sewer system by

December 2015 that has committed or planned funding. Committed or planned funding is funding that is financially feasible and reflected in a Capital Improvements element approved by the Department of Community Affairs a construction permit from the Department of Environmental Protection and is physically under construction. Prior to the ranking and approval of awards for an allocation authorizing development of new principal structures, Monroe County, shall coordinate with the central wastewater facility provider and shall increase an applicant's score by four points for parcels served by a collection line within a central wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of s. 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a construction design permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

(3) Reporting and Oversight.

~~(a)(f)~~ Beginning November 30, 2011, Monroe County and the Department of Community Affairs shall annually report to the Administration Commission documenting the degree to which the work program objectives for the work program year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether progress has been achieved. If the Commission determines that progress has not been made, the unit cap for residential development shall be reduced by ~~at least~~ 20 percent for the following ROGO year.

~~(b)(g)~~ If the Commission determines that progress has been made for the work program year, then the Commission may restore the unit cap for residential development for the following year up to a maximum of 197 allocations per ROGO year.

~~(c)(h)~~ Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist.

~~(d)(i)~~ Wastewater treatment and disposal in Monroe County is governed by the requirements of Section 381.0065(4), F.S., and Section 403.086(10), F.S. Nothing in this rule shall be construed to limit the authority of the Department of Environmental Protection or the Department of Health to enforce Section 381.0065(4), F.S., and Section 403.086(10), F.S.

(4)(3) Policy 216.1.19. Hurricane Modeling.

For the purposes of hurricane evacuation clearance time modeling purposes, clearance time shall begin when the Monroe County Emergency Management Coordinator issues the evacuation order for permanent residents for a hurricane that is classified as a Category 3-5 wind event or Category C-E surge event to evacuate during a Category C-E event. The termination point shall be U.S. Highway One and the Florida Turnpike in Homestead/Florida City.

~~(5)(4) WORK PROGRAM. Local government annual tasks to achieve progress are the remaining tasks of the Work Program that originate from Rule 28-20.110, F.A.C. Hurricane Evacuation tasks from Year 8, Task Q of the Work Program in Rules 28-20.110, and 28-20.140,, F.A.C. Carrying Capacity & Habitat Protection tasks from Year 6, Task C; and Year 8, Task F of the Work Program in Rule 28-20.110, F.A.C. Wastewater tasks from Year 4, Task A; Year 6, Task A; Year 7, Task A; Year 9 Tasks A and B; and Year 10, Tasks A, B, C, D, and E of the Work Program in Rule 28-20.110, F.A.C. Water Quality tasks from Year 8, Task M of the Work Program in Rule 28-20.110, F.A.C.~~

(a) Carrying Capacity Study Implementation.

1. By July 1, ~~2012~~ ~~2011~~, Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System) into the Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee with the adjusted Tier boundaries, into the Comprehensive Plan.

2. By July 1, ~~2012~~ ~~2011~~, Monroe County shall adjust the Tier I and Tier IIIA (SPA) boundaries to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166 and implement the Florida Keys Carrying Capacity Study, utilizing the updated habitat data, and based upon the recommendations of the Tier Designation Review Committee Work Group.

3. By July 1, ~~2012~~ ~~2011~~, Monroe County shall create Goal 106 to complete the 10 Year Work Program found in Rule 28-20.110 F.A.C., and to establish objectives to develop a build-out horizon in the Florida Keys and adopt conservation planning mapping into the Comprehensive Plan.

4. By July 1, ~~2012~~ ~~2011~~, Monroe County shall create Objective 106.2 to adopt conservation planning mapping (Tier Maps) into the Monroe Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee-Work Group.

5. By July 1, ~~2012~~ ~~2011~~, Monroe County shall adopt Policy 106.2.1 to require the preparation of updated habitat data and establish a regular schedule for continued update to coincide with evaluation and appraisal report timelines.

6. By July 1, ~~2012~~ ~~2011~~, Monroe County shall adopt Policy 106.2.2 to establish the Tier Designation Work Group Review Committee to consist of representatives selected by the Florida Department of Community Affairs from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. This Committee shall be tasked with the responsibility of Tier designation review utilizing the criteria for Tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and

subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.

7. By July 1, ~~2012~~ ~~2011~~ and each July thereafter, Monroe County and the Monroe County Land Authority shall submit a report annually to the Administration Commission on the land acquisition funding and efforts in the Florida Keys to purchase Tier I and Big Pine Key Tier II lands and the purchase of parcels where a Monroe County building permit allocation has been denied for four (4) years or more. The report shall include an identification of all sources of funds and assessment of fund balances within those sources available to the County and the Monroe County Land Authority.

8. By July 1, ~~2012~~ ~~2011~~, Monroe County shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas or Tier I lands unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any county, state or federal or any private entity. The County shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.

9. By July 1, ~~2012~~ ~~2011~~, in order to implement the Florida Keys Carrying Capacity Study, Monroe County shall adopt a Comprehensive Plan Policy to discourage private applications for future land use changes which increase allowable density/intensity.

10. By July 1, 2011, Monroe County shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition grant program.

11. By July 1, ~~2012~~ ~~2011~~, Monroe County shall enter into a memorandum of understanding with the Department of Community Affairs, Division of Emergency Management, Marathon, Islamorada, Key West, Key Colony Beach, and Layton after a notice and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to the Department to accurately depict evacuation clearance times for the population of the Florida Keys.

12. By July 1, ~~2012~~ ~~2011~~, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding to complete an

analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the Department of Community Affairs and each municipality in the Keys.

13. By July 1, ~~2012~~ 2011, the County and the Department of Community Affairs shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Economic and Business Research, and other studies). The County shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.

14. By July 1, ~~2012~~ 2011, the Department of Community Affairs shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The Department will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24 hour evacuation clearance time. If necessary, the Department of Community Affairs shall work with each local government to amend the Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.

15. By July 1, 2013, if necessary, the Department of Community Affairs shall work with each local government to amend the Comprehensive Plan to reflect revised allocation rates and distribution or propose rule making to the Administration Commission.

(b) Wastewater Implementation.

1. By July 1, 2011, Monroe County shall annually evaluate and allocate funding for wastewater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

~~2. By July 1, 2011, Monroe County shall provide a final determination of cold spots and unfunded service areas requiring upgrade to meet Section 403.086(10) and 381.0065(4)(l), F.S., wastewater treatment and disposal standards. The determination shall be adopted by resolution and shall include a map delineating the non-service areas.~~

~~2.3.~~ By ~~December~~ August 1, 2013, Monroe County shall work with the owners of wastewater facilities and onsite systems throughout the County and the Department of Health (DOH) and the Department of Environmental Protection (DEP) to fulfill the requirements of Sections 403.086(10) and 381.0065(3)(h) and (4)(l), F.S., regarding implementation of wastewater treatment and disposal. This will include

coordination of actions with DOH and DEP to notify owners regarding systems that will not meet the 2015 advanced wastewater treatment and disposal standards.

~~4. By August 1, 2011, Monroe County shall adopt an ordinance establishing the upgrade program with implementation dates, time frames, and enforcement for upgrading on-site systems and package plants.~~

~~3.5.~~ By July 1, 2011, Monroe County shall annually draft a resolution requesting the issuance of \$50 million of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.

~~4.6.~~ By July 1, 2011, Monroe County shall develop a mechanism to provide accurate and timely information and establish the County's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.

~~5.7.~~ By July 1, 2011, Monroe County shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.

~~6.8.~~ By July 1, 2011, Monroe County shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.

~~9. By July 1, 2011, Monroe County shall, identify by County resolution the areas of the County that will be served by central sewage facilities ("service areas") and the areas of the County that will not be served by central sewage facilities ("non-service areas"). The non service areas shall be delineated in the form of a map.~~

~~10. By July 1, 2013, the Department of Health, Monroe County, and the County's wastewater provider shall develop and execute an interlocal agreement for non-service areas and unfunded service areas. The agreement shall address mechanisms for the FKAA or other appropriate entity to provide upgrades and central management of onsite sewage treatment and disposal systems located in non-service areas and unfunded service areas. The Department of Health and the Department of Environmental Protection will provide an report to the Department of Community Affairs no later than July 1, 2013, assessing the magnitude of non-compliance and enforcement mechanisms necessary to ensure upgrades of wastewater treatment facilities in accordance with Section 403.086(10) and 381.0065(4), F.S.~~

~~7.11.~~ By ~~December 1, 2013,~~ July 1, 2013, and each July thereafter the County shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health

Department, Department of Environmental Protection, and the Department of Community Affairs. This report shall describe the status of the County's enforcement action and provide the circumstances of why enforcement may or may not have been initiated. ~~The Monroe County Department of Health and Department of Community Affairs may proceed with enforcement as necessary and appropriate.~~

(c) Wastewater Project Implementation.

1. Key Largo Wastewater Treatment Facility. Key Largo Wastewater Treatment District is responsible for wastewater treatment in its service area and the completion of the Key Largo Wastewater Treatment Facility.

a. By July 1, 2012 ~~2011~~, Monroe County shall complete construction of the South Transmission Line; ~~and~~

b. By July 1, 2013 ~~2014~~, Monroe County shall complete design of Collection basin C, E, F, G, H, I, J, and K; ~~and~~

c. By July 1, 2012 ~~2011~~, Monroe County shall complete construction of Collection basins E-H; ~~and~~

d. By December ~~July~~ 1, 2011, Monroe County shall schedule construction of Collection basins I-K; ~~and~~

e. By July 1, 2011, Monroe County shall complete construction of Collection basins I-K; ~~and~~

f. By July 1, 2011, Monroe County shall complete 50% of hook-ups to Key Largo Regional WWTP; ~~and~~

g. By July 1, 2012, Monroe County shall complete 75% of hook-ups to Key Largo Regional WWTP; ~~and~~

h. By July 1, 2013, Monroe County shall complete all remaining connections to Key Largo Regional WWTP.

2. Hawk's Cay, Duck Key and Conch Key Wastewater Treatment Facility.

a. By July 1, 2012 ~~2011~~, Monroe County shall complete construction of Hawk's Cay WWTP upgrade/expansion, transmission, and collection system; ~~and~~

b. By July 1, 2013 ~~2014~~, Monroe County shall complete construction of Duck Key collection system; ~~and~~

c. By July 1, 2012 ~~2011~~, Monroe County shall initiate property connections to Hawk's Cay WWTP; ~~and~~

d. By December ~~July~~ 1, 2012, Monroe County shall complete 50% of hook-ups to Hawk's Cay WWTP; ~~and~~

e. By July 1, 2013, Monroe County shall complete 75% of hook-ups to Hawk's Cay WWTP; ~~and~~

f. By July 1, 2014, Monroe County shall complete all remaining connections to Hawk's Cay WWTP.

3. South Lower Keys Wastewater Treatment Facility (Big Coppitt Regional System).

a. By July 1, 2012, Monroe County shall complete 75% hookups to South Lower Keys WWTP; ~~and~~

b. By July 1, 2013, Monroe County shall complete all remaining connections to the South Lower Keys WWTP.

4. Cudjoe Regional Wastewater Treatment Facility.

a. By July 1, 2011, Monroe County shall complete planning and design documents for the Cudjoe Regional Wastewater Treatment Facility the Central Area (Cudjoe, Summerland, Upper Sugarloaf) collection system and the Central Area Transmission Main; for Phases 1 and 2 (WWTP; transmission main and collection system); and

b. By October ~~July~~ 1, 2012, Monroe County shall initiate complete ~~complete~~ construction of Wastewater Treatment Facility, Central Area collection System and Central Area Transmission Main; Plant Phase 1 and collection systems (Phase 1 is the initial WWTP construction to treat flows from a central collection area); and

c. By July 1, 2014 ~~2012~~ Monroe County shall complete construction of Wastewater Treatment Facility, Central Area collection System and Central Area Transmission Main; Plant Phase 2 (Phase 2 is the planned WWTP expansion to provide additional capacity to treat flows from the expanded collection area); and

d. By February 1, 2012 ~~July 1, 2013~~ Monroe County shall initiate complete ~~complete~~ construction of Wastewater Treatment Outer Area Collection System and Transmission Main; Plant Phase 2 Expansion; and

e. By July 1, 2013 ~~February 1, 2015~~, Monroe County shall complete construction of Outer Area ~~central~~ collection lines and transmission main; ~~and~~

f. By July 1, 2014 ~~2013~~, Monroe County shall initiate property connections – complete 25% of hook-ups to Cudjoe Regional WWTP; ~~and~~

g. By July 1, 2015 ~~2012~~, Monroe County shall complete 50% of hook-ups to Cudjoe Regional WWTP; ~~and~~

h. By December 1, 2015 ~~July 1, 2014~~, Monroe County shall complete remaining ~~75%~~ of hook-ups to Cudjoe Regional WWTP; ~~and~~

i. ~~By January 1, 2015, Monroe County shall complete all remaining connections to Cudjoe Regional WWTP.~~

(d) Stormwater Treatment Facilities.

1. By July 1, 2011, Monroe County shall evaluate and allocate funding for stormwater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

2. By July 1, 2011, Monroe County shall apply for stormwater grants from the South Florida Water Management District.

~~3. By July 1, 2011, Monroe County shall design and construct Mile Marker 17-19 stormwater runoff management improvements along U.S. Highway One through Joint Participation Agreement with FDOT.~~

3.4. By July 1, 2011, Monroe County shall complete Card Sound Road stormwater improvements.

Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida, telephone (850)922-1782

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a hearing regarding the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 Florida Administrative Weekly.

DATE AND TIME: April 26, 2011, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will be updated on the status of the amendments it approved on December 14, 2010 to Rule 40D-1.659, F.A.C. which is part of a rulemaking package involving amendments to Chapters 40D-1, 40D-2, 40D-8, and 40D-80, F.A.C., relating to the Dover/Plant City Frost/Freeze Management Strategy. A hearing has been scheduled pursuant to Section 120.54(3)(c), F.S., for the date, time and place described above. A copy of the agenda may be obtained by contacting: Pamela A. Gifford, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, ext. 4156.

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: Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), 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).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: 40D-2.021, 40D-2.041, 40D-2.101, 40D-2.381, 40D-2.801
 RULE TITLS: Definitions, Permits Required, Content of Application, Standard Permit Conditions, Water Use Caution Areas

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a hearing regarding the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 Florida Administrative Weekly.

DATE AND TIME: April 26, 2011, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will be updated on the status of the amendments it approved on December 14, 2010 to Rules 40D-2.021, 40D-2.041, 40D-2.101, 40D-2.381, and 40D-2.801, F.A.C. which are part of a rulemaking package involving amendments to Chapters 40D-1, 40D-2, 40D-8, and 40D-8, F.A.C., relating to the Dover/Plant City Frost/Freeze Management Strategy. A hearing has been scheduled pursuant to Section 120.54(3)(c), F.S., for the date, time and place described above.

A copy of the agenda may be obtained by contacting: Pamela A. Gifford, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, ext. 4156.

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: Southwest Florida Water Management District (Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), 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).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

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. 36, No. 51, December 23, 2010 issue of the Florida Administrative Weekly.

The change made to the original proposed Rule 40D-2.091, F.A.C., is to add the words "[effective date of rule]" to indicate that the Water Use Information Manual Part B, Basis of Review for the Water use Permit Applications will not be effective until the rule becomes effective upon filing the rule with and receiving the effective date of the rule from the Secretary of State. Also, Section 373.245, F.S., was added to the Law Implemented section.

40D-2.091 Publications Incorporated By Reference.

(1) The following publications are hereby incorporated by reference into this chapter, and are available from the District's website at www.WaterMatters.org or from the District upon request:

(a) Water Use Information Manual Part B, Basis of Review for Water Use Permit Applications (also referred to as the WUP Basis of Review) ([effective date of rule]) ~~6-30-10~~.

(b) No change.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.0831, 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.1963, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.245, 373.250, 373.705, 373.709, 373.715 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, _____.

The following document is incorporated by reference in Rule 40D-2.091, F.A.C., and is proposed to be changed as indicated below.

Water Use Permit Information

Part B

WUP Basis of Review

The change made to original proposed section 3.3 is to substitute the word “shall” for the word “may” in the first line of the first paragraph.

3.3 AGRICULTURE.

Frost/Freeze Protection.

Frost/freeze protection quantities shall ~~may~~ be identified based on the number of acres to be protected, the crop grown, the ~~type of~~ irrigation system used, and the hours of pumpage required. If the number of hours is not known, the maximum daily quantity will be based on the best available data for frost/freeze recurrence and duration. Alternate calculations will be considered, but they must be thoroughly documented.

Frost/freeze protection quantities will be determined as set forth in Section 7.4 of the WUP Basis of Review incorporated in Rule 40D-2.091, F.A.C., for permits within the Dover/Plant City WUCA and for any permit with frost/freeze quantities authorized to be used or withdrawn from any combination of sources that if withdrawn from groundwater alone would have the potential to impact the Minimum Aquifer Level Protection Zone established for the Dover/Plant City WUCA.

Revised _____

In the proposed Chapter 7.0, subsection 7.4.6, titled Permit Conditions: Investigation of Frost/Freeze and Crop Establishment Withdrawal-related Well Complaints by Permittees within the Dover/Plant City WUCA; condition C.4, the change made to the original proposed section is to delete the word “may” and substitute the word “shall” in the last sentence.

C. Permittee’s Mitigation Activities and Report.

1. through 3. No change.

4. Within one business day after the complaint is fully mitigated, the permittee shall provide a report to the District in which the permittee details the activities undertaken by either the complainant or the permittee to mitigate the complaint as well as any reimbursements made by the permittee to the complainant. The permittee shall provide a copy of this report to the complainant. The District will review the report submitted by the permittee and shall require additional action by the permittee if the District determines that the complaint has not been fully mitigated.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:

RULE TITLE:

40D-8.626

Minimum Aquifer Levels

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a hearing regarding the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 Florida Administrative Weekly.

DATE AND TIME: April 26, 2011, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will be updated on the status of the amendments it approved on December 14, 2010 to Rule 40D-8.626, F.A.C. which is part of a rulemaking package involving amendments to Chapters 40D-1, 40D-2, 40D-8, and 40D-8, F.A.C., relating to the Dover/Plant City Frost/Freeze Management Strategy. A hearing has been scheduled pursuant to Section 120.54(3)(c), F.S., for the date, time and place described above.

A copy of the agenda may be obtained by contacting Pamela A. Gifford, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, ext. 4156.

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: Southwest Florida Water Management District (Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), 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).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-80.075	Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a hearing regarding the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 Florida Administrative Weekly.

DATE AND TIME: April 26, 2011, 9:00 a.m.

PLACE: Governing Board Room, Southwest Florida Water Management District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will be updated on the status of the proposed Rule 40D-80.075, F.A.C., that it approved on December 14, 2010 which is part of a rulemaking package involving amendments to Chapters 40D-1, 40D-2, 40D-8, and 40D-80, F.A.C., relating to the Dover/Plant City Frost/Freeze Management Strategy. A hearing has been scheduled pursuant to Section 120.54(3)(c), F.S., for the date, time and place described above. A copy of the agenda may be obtained by contacting: Pamela A. Gifford, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, ext. 4156.

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: Southwest Florida Water Management District (Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), 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 ELDER AFFAIRS

RULE NOS.:	RULE TITLES:
58-2.001	Definitions
58-2.003	Background Screening Requirements
58-2.005	Implementation and Retention
58-2.007	Exceptions
58-2.009	Electronic Submission of Fingerprints
58-2.011	Background Screeners
58-2.013	Sharing of Screening Results

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-11.001	Authority
60BB-11.002	Public Inspection and Copying
60BB-11.003	Listing of Final Orders
60BB-11.004	Numbering of Final Orders
60BB-11.005	Electronic Database of Orders
60BB-11.006	Maintenance of Final Orders

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.:	RULE TITLE:
61B-39.003	Filing of Single-Site Timeshare Plans

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 44, November 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

RULE NOS.:	RULE TITLES:
62N-16.012	Discharge Cleanup Organization; Approval
62N-16.027	Form: Request for Reimbursement for Damage
62N-16.033	Terminal Facility Discharge Contingency Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage

RULE NOS.:	RULE TITLES:
64B7-28.009	Continuing Education
64B7-28.0095	Continuing Education for Pro Bono Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 7, February 18, 2011 issue of the Florida Administrative Weekly.

The corrections are as follows:

The petition requests the Board to issue a declaratory statement regarding Rules 64B7-28.009 regarding Continuing Education, and 64B7-28.0095, F.A.C., with respect to Continuing Education for Pro Bono Services.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Anthony Jusevitch, Executive Director, at the below address, or at telephone number (850)245-4161. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:
64J-2.010 Apportionment of Trauma Centers
within a Trauma Service Area
(TSA)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 37, September 17, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:
65G-4.014 Eligibility for Agency Services –
Definitions
65G-4.015 Eligibility Criteria
65G-4.016 Application Process
65G-4.017 Establishing Eligibility

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. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

65G-4.014 Eligibility for Agency Services – Definitions.

(1) Autism means any condition which is part of the autism spectrum disorder and which meets the requirements of Section 393.063, Florida Statutes, which are that the condition is:

(a) Pervasive, meaning always present and without interruption.

(b) Neurologically based, meaning that the condition is not the result of physical impairment.

(c) A developmental disability.

(d) With extended duration, meaning that the condition can reasonably be expected to continue indefinitely into the future;

(e) Which causes all of the following:

1. Severe learning disorders, which may include but not be limited to:

a. Executive dysfunction, exhibited by an inability to bring together various details from perception to make a meaningful whole.

b. A lack of cognitive central coherence which leads to impairment or deficits in the higher-order processes that enable planning, sequencing, initiating, and sustaining behavior towards some goal, incorporating feedback, and making adjustments.

c. Theory of mind deficit, exhibited by an inability to recognize that other people have thoughts, feelings, and intentions that are different to one's own, and an inability to intuitively guess what these might be difficulty grasping pragmatic language skills.

d. A severe communication disorders, which may include but not be limited to:

(I) A delay in, or total lack of, the development of spoken language having a marked impairment in the ability to initiate or sustain a conversation with others.

(II) Stereotyped and repetitive use of language or idiosyncratic language.

(III) Non-verbal communication problems exhibited by at least one of the following:

(A) Limited uses of gestures

(B) Clumsy/gauche body language

(C) Limited facial expression

(D) Inappropriate expression

(E) Peculiar, stiff gaze

(F) Motor clumsiness

e. Severe behavior disorders, which may include but not be limited to:

(I) Restrictive repetitive and stereotyped patterns of behavior, interests and activities, as manifested by any of the following:

(II) Encompassing preoccupation with one or more stereotypes and restricted patterns of interest that is abnormal either in intensity or focus.

(III) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures and gestures to regulate social interaction.

(IV) Apparently inflexible adherence to specific, nonfunctional routines or rituals.

(V) Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements).

(VI) Persistent preoccupation with parts of objects.

(2) Cerebral Palsy – means a group of disabling symptoms of extended duration that result from damage to the developing brain during the prenatal period and characterized by paralysis, spasticity, or abnormal control of movement or posture, such as poor coordination or lack of balance, which is manifest prior to

three years of age. For purposes of the rule, cerebral palsy also means the presence of other significant motor dysfunction appearing prior to age 18 due to perinatal or external events such as anoxia, oxygen deprivation, or traumatic brain injury. Excluded from this definition are motor dysfunction caused by medical events, including stroke or progressive diseases, such as muscular dystrophy. The impairment from cerebral palsy must constitute a substantial handicap which is reasonably expected to continue indefinitely.

(3) Mental Retardation or Intellectual Disability – is evidenced by the concurrent existence of:

(a) Significantly sub average general intellectual functioning evidenced by:

1. An Intelligence Quotient (IQ) of 70 or below on an individually administered IQ or for infants and young children, and

2. A clinical judgment of significantly sub average intellectual functioning;

(b) Deficits in adaptive functioning in one or more of the following areas:

1. Communication skills,

2. Self-care, home living,

3. Social and interpersonal skills,

4. Use of community resources and self-direction,

5. Functional academic skills,

6. Work, leisure, health and safety awareness and skills,

(c) Which are manifested prior to age 18; and

(d) Constitute a substantial handicap which is reasonably expected to continue indefinitely.

(4) Prader-Willi Syndrome – means a non-inherited, genetic syndrome which is most often associated with a random deletion of chromosome 15. Commonly associated characteristics include diminished fetal activity, insatiable appetite and chronic overeating. Individuals diagnosed with Prader-Willi Syndrome generally have mental retardation; however, an individual with Prader-Willi syndrome can be determined as eligible for services without an accompanying diagnosis of mental retardation.

(5) Spina Bifida – for the purposes of Agency eligibility, spina bifida refers to a confirmed diagnosis of spina bifida cystica or myelomeningocele.

(6) Eligibility Rules – Rules 65G-4.014 through 65G-4.017, F.A.C., inclusive, which apply to eligibility determinations for services provided through the Agency for Persons with Disabilities for individuals with developmental disabilities.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History–New _____.

65G-4.015 Eligibility Criteria.

In order to be determined eligible for Agency services the applicant must:

(1) Be at least three years of age.

(2) Be a resident of and domiciled in the state of Florida in accordance with Sections 222.17(1) and (2), F.S. Domicile may not be established in Florida by a minor who has no parent domiciled in Florida, or by a minor who has no legal guardian domiciled in Florida, or by any alien not classified as a resident alien. Dependents of active duty military personnel stationed in the state of Florida are exempt from residency and domicile requirements.

(3) Have a confirmed diagnosis of one of the following developmental disabilities as defined in this rule:

(a) Autism,

(b) Cerebral palsy,

(c) Mental retardation,

(d) Prader-Willi Syndrome,

(e) Spina Bifida, or

(f) Children between 3 and 5 years of age who are at high risk of later diagnosis of one of these disabilities. Such high risk children shall not be placed on the waiting list for waiver services until a confirmed diagnosis of a qualifying disability is given.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History–New _____.

65G-4.016 Application Process.

(1) Application for services from the Agency shall be made, by submitting an application by hand delivery, U.S. Mail or facsimile, to the Agency service area where the applicant resides. The application for services is available on the Agency website at www.APD.myflorida.com or by contacting the Agency.

(2) Upon receipt of a completed, signed and dated Application for Services, the area Agency staff shall review the application and supporting documentation and within 45 days for children under the age of 6, and 60 days for individuals 6 years of age and older, shall notify the applicant of the final determination of eligibility for Agency services. If requests for collateral information or additional evaluations are necessary to determine eligibility, the time may be extended for no more than an additional ninety (90) days.

(3) If an applicant is unable to produce an existing evaluation that establishes eligibility or if there is concern that the information provided is inaccurate, incorrect or incomplete, the Agency area office will be responsible for obtaining an evaluation to establish eligibility. Professional diagnoses under Rule 65G-4.017, F.A.C., must document all criteria for eligibility as set forth in Rules 65G-4.014-.017, F.A.C. The evaluation process includes only those assessments necessary to determine eligibility that were administered by a person qualified to administer the instrument(s).

(4) When the eligibility determination is complete, the Agency Area Office shall notify the applicant, in writing, within five (5) business days of the decision. If the applicant is

determined ineligible for Agency services, the Agency Area Office shall notify the applicant of the right to appeal the decision in accordance with Chapter 120, F.S.

(5) If the applicant is determined to be ineligible to receive services from the Agency, the Agency Area Office shall offer suggestions regarding other programs, agencies or services for which the applicant may be eligible.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History—New _____.

65G-4.017 Establishing Eligibility.

(1) Establishing Eligibility – Autism. A diagnosis of autism, as defined by Rule 65G-4.014, F.A.C., may only be made by one or more of the following who has specific training and experience in making such diagnoses:

(a) A Florida-licensed psychiatrist.

(b) A Florida-licensed psychologist.

(c) A board certified pediatric neurologist who is qualified by training and experience to make a diagnosis of autism.

(d) A board certified developmental pediatrician.

(e) Collateral information received from another state may be accepted if the evaluator is licensed through the same credentials required for licensure in Florida for the professions listed in paragraph (1)(a) above.

(2) Establishing Eligibility – Cerebral Palsy. Diagnosis is confirmed by written documentation from one or more of the following:

(a) A medical doctor;

(b) A doctor of osteopathy; or

(c) Medical records documenting a diagnosis of cerebral palsy before the age of 18.

(3) Establishing Eligibility – Mental Retardation. to establish that an individual has mental retardation the following criteria shall be applied:

(a) When there are several assessments that have been conducted with varying I.Q.s, the Agency shall rely on patterns or clusters of scores and shall reject those scores that appear to be significantly lower or higher than the average of the other scores. A single subtest should not be used alone to determine eligibility. If a person has significantly different (statistically defined) scores on different scales of a test or tests, or a great deal of variability on subtest scores of an IQ test, the full-scale score may not indicate mental retardation and should not be relied on as a valid score. In that instance, closer scrutiny is required to make an appropriate differential diagnosis. This may include review of school records, school placement, achievement scores, medical records, medication history, behavior during testing and the psychosocial situation at the time of testing. Closer scrutiny must also be required when there is a great deal of variability between IQ scores on different IQ tests or different administrations of the same IQ

test. Nothing here is intended to preclude clinical judgment from appropriately determining that a single full scale IQ of 70 or below is sufficient to establish eligibility.

(b) The performance measures for this category of adaptive functioning deficits must be validated by the professional judgment of a psychologist who is experienced in working with people who have retardation, who has specific training and validation in the assessment instrument that is used, and who is either:

1. A Florida-licensed psychologist.

2. A Florida-licensed school psychologist.

3. A certified school psychologist.

(c) Any standardized test may be submitted as proof, however the applicant must demonstrate that any test not presumptively accepted by the Agency is valid. The following are presumptively accepted standardized tests of intelligence to establish eligibility for mental retardation are:

1. Stanford-Binet Intelligence Test (all ages).

2. Wechsler Preschool and Primary Scale of Intelligence (under six years of age).

3. Differential Ability Scales – Preschool Edition (under six years of age).

4. Wechsler Intelligence Scale for Children (WISC) (children up to fifteen years, eleven months).

5. Differential Ability Scales (children up to fifteen years, eleven months).

6. Wechsler Adult Intelligence Scale (WAIS).

7. Test of Nonverbal Intelligence-3 (TONI-3).

8. Comprehensive Test of Nonverbal Intelligence-2 (C-TONI 2).

9. Universal Nonverbal Intelligence Test (UNIT).

10. Leiter International Performance Scale-Revised (Leiter-R).

(d) The following are Tests of Adaptive Functioning are presumptively accepted in the determination:

1. Vineland Adaptive Behavior Scales.

2. AAMR Adaptive Behavior Scale.

3. Adaptive Behavior Assessment System (ABAS).

4. Adaptive Behavior Evaluation Scale (ABES).

5. In all cases, assessments or evaluations for eligibility should be obtained from appropriately licensed professionals with experience and training with the instruments and population for whom eligibility is to be determined.

(e) Establishing Eligibility – Prader-Willi Syndrome. Diagnosis is confirmed by written documentation from one or more of the following:

1. A medical doctor;

2. A doctor of osteopathy; or

3. Medical records that document a diagnosis of Prader-Willi Syndrome before the age of 18.

4. Establishing Eligibility – Spina Bifida. Diagnosis is confirmed by written documentation from one or more of the following:

- a. A medical doctor;
- b. A doctor of osteopathy; or
- c. Medical records that document a diagnosis of spina bifida cystica or myelomeningocele before the age of 18.

5. Establishing Eligibility – High Risk Children. 3 to 5 years of age. Evidence under this category requires an area office determination that a medical diagnosis of developmental delay evidenced by the child indicates a high probability that the child is likely to have an eventual diagnosis of a qualifying condition under Rule 65G-4.014, F.A.C., if early intervention services are not provided, or the child has one or more physical or genetic anomalies associated with a developmental disability, such as:

- a. Genetic or chromosomal disorders (such as Down syndrome or Rett syndrome);
- b. Metabolic disorders (such as phenylketonuria);
- c. Congenital malformations (such as microcephaly or hydrocephaly);
- d. Neurological abnormalities and insults;
- e. Congenital and acquired infectious diseases;
- f. Chronic or catastrophic illnesses or injuries;
- g. A parent or guardian with developmental disabilities who requires assistance in meeting the child's developmental needs; or
- h. Other conditions or genetic disorders generally associated with developmental disabilities, such as tuberous sclerosis, congenital syphilis, fetal alcohol syndrome, or maternal rubella, as documented by a physician.

(4) If a child between three and five years of age already has been determined to have a developmental disability in one of the five categories identified in Chapter 393, F.S., that child shall be eligible for services from the Agency under the appropriate diagnosis and shall be added to the wait list.

(5) If a child served under the category of high risk does not have a confirmed diagnosis by his or her fifth birthday, they shall be given a notice of case closure, the child's case will be closed at the Agency. The Agency shall make the child's parent or guardian aware of appropriate agencies, programs or school programs which the Agency is aware of which might be able to assist the child.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History—New _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.002
RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 48, December 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.003
RULE TITLE: Protection of Certain Deer and Turkey; Tagging of Deer and Turkey; Evidence of Sex Required

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 3, January 21, 2011 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.004
RULE TITLE: Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 3, January 21, 2011 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-138.047
RULE TITLE: Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-162.203
RULE TITLE: Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION**OIR – Insurance Regulation**

RULE NO.: RULE TITLE:
 69O-164.020 Valuation of Life Insurance Policies
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION**OIR – Insurance Regulation**

RULE NOS.: RULE TITLES:
 69O-200.004 Qualification to Obtain and Hold a License
 69O-200.005 Use of the Statutory Deposit
 69O-200.006 Contractual Liability Insurers
 69O-200.009 Form Filings
 69O-200.014 Exemption From Financial Examination
 69O-200.015 Forms Incorporated by Reference

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
 53ER11-12 Instant Game Number 1087, FIRE ‘n DICE

SUMMARY: This emergency rule describes Instant Game Number 1087, “FIRE ‘n DICE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:53ER11-12 Instant Game Number 1087, FIRE ‘n DICE.

(1) Name of Game. Instant Game Number 1087, “FIRE ‘n DICE.”

(2) Price. FIRE ‘n DICE lottery tickets sell for \$1.00 per ticket.

(3) FIRE ‘n DICE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning FIRE ‘n DICE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:

\$1.00	\$2.00	\$3.00	\$4.00
ONE	TWO	THREE	FOUR
\$5.00	\$10.00	\$15.00	\$20.00
FIVE	TEN	FIFTEEN	TWENTY
\$40.00	\$50.00	\$100	\$1,000
FORTY	FIFTY	ONE HUNDRED	ONE THOUSAND
			\$4,000
			FOUR THOUSAND

(6) The legends are as follows:

ROLL 1 ROLL 2 ROLL 3 ROLL 4 +

(7) Determination of Prizewinners.

(a) There are four (4) rolls on a ticket. Each roll is played separately. A ticket having a roll, the total of which is 7 or 11, shall entitle the claimant to the corresponding prize shown for

that roll. A ticket having a “WIN” play symbol and corresponding play symbol caption in a roll shall entitle the claimant to all four (4) prizes shown.

(b) The prizes are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$1,000 and \$4,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1087 are as follows:

GAME PLAY	WIN	ESTIMATED	NUMBER OF
		ODDS OF	WINNERS IN 50 POOLS OF
		1 IN	240,000 TICKETS
\$1	\$1	10.71	PER POOL
\$1 x 2	\$2	30.00	1,120,000
\$2	\$2	30.00	400,000
\$1 x 4 (FIRE)	\$4	150.00	400,000
(\$1 x 2) + \$2	\$4	300.00	80,000
\$2 x 2	\$4	150.00	40,000
\$4	\$4	150.00	80,000
\$1 + (\$2 x 2)	\$5	750.00	80,000
(\$1 x 3) + \$2 (FIRE)	\$5	750.00	16,000
\$2 + \$3	\$5	750.00	16,000
\$1 + \$4	\$5	750.00	16,000
\$5	\$5	750.00	16,000