

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**NONE**

**Section II**  
**Proposed Rules**

**DEPARTMENT OF CORRECTIONS**

RULE NOS.	RULE TITLES:
33-601.731	Suspension of Visiting Privileges
33-601.800	Close Management
33-601.830	Death Row

**PURPOSE AND EFFECT:** The purpose and effect of the rule amendment is to include drugs that are not currently addressed in the rule, to amend Form DC4-643A, and to ensure that forms are properly referenced. The rule amendment will enable the Department to suspend an inmate’s visitation privileges when the inmate is found using or in possession of drugs and to prevent visitors from bring the drugs into the institution. Revising Form DC4-643A will assist in better evaluating inmates in close management. Removing effective dates from forms referenced, but not incorporated in the rule will also ensure consistency in the use of the proper form.

**SUMMARY:** The amendments include substances as drugs that are not currently addressed in the rule; assist in better evaluating inmates in close management; and remove effective dates from forms not incorporated in the rule to ensure consistency in the use of the proper form.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.731 Suspension of Visiting Privileges.  
 (1) Suspension of Inmate Visiting Privileges.  
 (a) No change.  
 (b) Suspension of an inmate’s visiting privileges shall be considered by the ICT as a management tool only when an inmate is found guilty of the following offenses:

1. through 12. No change.
13. Possessing or using unauthorized drugs, which includes, but is not limited to narcotics, depressants, stimulants, aromatic stimulants, hallucinogens, cannabis, and any other type of intoxicant (excluding intoxicating beverages), or drug paraphernalia or refusing to submit to substance abuse testing;

14. through 15. No change.  
 (c) through (f) No change.  
 (2) Suspension of Visitor Visiting Privileges.  
 (a) A visitor’s visiting privileges shall be indefinitely suspended by the warden or designee when the visitor:

1. Is found in possession of unauthorized an illegal drugs drug, which includes, but is not limited to narcotics, depressants, stimulants, aromatic stimulants, hallucinogens, cannabis and any other type of intoxicant (excluding intoxicating beverages), (controlled substances) or drug paraphernalia when on the property of any department facility, when entering or exiting any department facility, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.

2. through 7. No change.
- (b) through (c) No change.
- (3) through (4) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, 10-23-11, 9-24-12,\_\_\_\_\_.

33-601.800 Close Management.  
 (1) through (2) No change.  
 (3) Procedures for Placement in Close Management.  
 (a) through (b) No change.  
 (c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee.

FL 32399. The effective date of the form is 4-8-04. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of the Report of Close Management, Form DC6-233C, to prepare for the close management review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 2-1-01. The inmate may present information verbally or in writing for consideration by the ICT. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.

(d) Prior to docketing an inmate's case for close management review, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, Form DC6-128. Form DC6-128 is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 6-28-10.

- (e) through (h) No change.
- (4) through (5) No change.
- (6) Close Management Facilities.
- (a) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and applies to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Special Housing, Form DC6-229. Form DC6-229 is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control

Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. https://www.flrules.org/gateway/reference.asp?NO=Ref-0022 0. The effective date of the form is 4-6-11.

(f) Prior to placement of an inmate in a close management cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell Inspection. After such time, the inmate housed in that cell will be responsible for the condition of the cell. Form DC6-221 is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 12-16-01.

- (g) through (h) No change.
- (7) Individualized Service Plan (ISP).

(a) The multi-disciplinary services team will develop an ISP, Form DC4-643A, when deemed necessary by mental health staff. Form DC4-643A is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is \_\_\_\_\_.

- (b) through (g)
- (8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM team decision inmate by completing the Behavioral Risk Assessment (BRA), Form DC4-729. Form DC4-729 is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 4-8-04.

- (b) through (f) No change.
- (9) through (10) No change.

(11) Programs and Privileges in Close Management Units.

(a) While in a close management unit, an inmate's movement within the institution and contacts with other individuals will be restricted. Privileges will also be limited depending on the specific close management level. If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived. Upon placement in CM, inmates shall receive a copy of the Close Management Housing Unit Instructions, Form N11-046. Form N11-046 is hereby incorporated by reference ~~in subsection (19) of this rule.~~ Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 3-10-05.

- (b) through (d) No change.
- (12) through (14) No change.

(15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is

hereby incorporated by reference in Rule 33-602.220, F.A.C. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 2-12-01. The staff member shall also document his or her visit on the Daily Record of Special Housing, Form DC6-229, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) through (i) No change.

(16) No change.

(17) Close Management Records.

(a) through (b)

(c) A Daily Record of Special Housing – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229 whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 4-27-08.

(d) No change.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each close management unit. Form DC6-209 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 4-08-04. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

~~(a) Form DC6-128, Close Management Referral Assessment, effective date 6-28-10.~~

~~(b) Form DC4-643A, Individualized Service Plan, effective date 8-23-07.~~

~~(c) Form DC6-221, Cell Inspection, effective date 12-16-01.~~

~~(d) Form DC6-228, Inspection of Special Housing Record, effective date 2-12-01.~~

~~(e) Form DC6-229, Daily Record of Special Housing, effective date 4-6-11.~~

~~<https://www.flrules.org/gateway/reference.asp?NO=Ref-00220>.~~

~~(f) Form DC6-229B, Daily Record of Special Housing Supplemental, effective date 4-27-08.~~

~~(g) Form DC6-233C, Report of Close Management, effective date 4-8-04.~~

~~(h) Form DC6-265, Close Management Waiver, effective date 2-1-01.~~

~~(i) Form DC4-729, Behavioral Risk Assessment, effective date 4-8-04.~~

~~(j) Form DC6-209, Housing Unit Log, effective date 4-8-04.~~

~~(k) Form NH-046, Close Management Housing Unit Instructions, effective date 3-10-05.~~

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 4-6-11, 7-31-11, 1-4-12, \_\_\_\_\_.

33-601.830 Death Row.

(1) through (6) No change.

(7) Conditions and Privileges – The following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

(a) Clothing – No death row inmate will be issued a belt. “Croc” style shoes will be provided as regulation foot wear. Death row inmates will be distinguished by designated different clothing that must be worn whenever they are out of the death row unit for the purpose of escort or transport. Otherwise, death row inmates shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. If an inmate’s clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. ~~The effective date of the form is 4-6-11.~~ Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) through (h) No change.

(i) Removal or Denial of Items – Any item may be denied an inmate or removed from a death row cell to prevent the inmate from inflicting injury to himself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. The senior correctional officer on duty must initially approve the decision to deny or remove clothing, bedding, or any other items from the cell and document the action on Form DC6-229, Daily Record of Special Housing. Removal of any personal property item will also be documented by security staff on Form DC6-220, Inmate Impounded Personal Property List, and signed by the inmate designating what personal items were removed. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. ~~The effective date of the form is 10-06. Form DC6-220 is incorporated by reference in Rule~~

~~33-602.220, F.A.C.~~ The original Form DC6-220 will be placed in the inmate's property file, and a copy of the form will be given to the inmate for his records. The duty warden shall make a final decision regarding the appropriateness of any removal no later than the next working day. If items are removed from a death row cell pursuant to this paragraph, staff shall re-assess the need for continued restriction every 72 hours thereafter and document the assessment on Form DC6-229. The warden, based on this assessment, will make a final determination on the continued denial or return of the items and document the decision on Form DC6-229. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction is present.

(j) through (n) No change.

(8) through (12) No change.

(13) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each death row unit. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. ~~The effective date of the form is 2-01.~~ Each staff person shall sign the form when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any specific problems, including any inmate who requires special attention. Upon completion, Form DC6-228 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis, where it will be maintained on file pursuant to the current retention schedule.

(14) Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate in the death row unit for 30 days, after which the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in each inmate's respective file. Form DC6-229 shall be utilized to document any and all activities, including cell searches, items removed, showers, recreation, haircuts, and shaves. Form DC6-229B, Daily Record of Special Housing – Supplemental, may be used if further writing space is needed. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C. ~~The effective date of the form is 4-27-08.~~ Additionally, staff shall fully and completely document when:

(a) through (j) No change,

(15) Death Warrants – Upon receipt of a death warrant signed by the Governor authorizing execution, the warden or designee will determine the housing location of the inmate. Inmates housed at Union Correctional Institution will be immediately transferred to Florida State Prison. Upon arrival, the warden will inform the inmate of the death warrant, and the inmate shall be allowed to contact his attorney and a family member at state expense. If the inmate is housed at Lowell Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Lowell will inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at state expense.

(a) No change.

(b) Conditions and privileges for Phase I and Phase II inmates.

1. Phase I and Phase II inmates may possess the following state issued property:

a. through r. No change.

s. Form DC1-303, Request for Administrative Remedy or Appeal, and Form DC6-236, Inmate Request, as needed. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C. ~~The effective date of the form is 2-05.~~ Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. ~~The effective date of the form is 6-12.~~

2. through 8. No change.

(16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 11-22-10, Amended 9-27-11, 9-24-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Deputy Assistant Secretary, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 1, 2012

**DEPARTMENT OF CORRECTIONS**

RULE NO. 33-602.203  
 RULE TITLE: Control of Contraband

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to have drugs that are not currently addressed in the rule included as contraband items.

SUMMARY: The amendment is to include substances as drugs that are not currently addressed in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.203 Control of Contraband.

(1) through (2) No change.

(3) No person, whether he be an inmate or other person, unless authorized by the warden, assistant warden, chief of security or the shift supervisor, shall introduce into or upon the grounds of an institution any of the following articles which are hereby declared to be contraband:

(a) No change.

(b) Any unauthorized drugs, which includes, but is not limited to narcotics, narcotic, depressants, stimulants, aromatic stimulants, hallucinogens, cannabis, and any other type of intoxicant (excluding intoxicating beverages), or drug paraphernalia or hypnotic or excitative drug or substance prohibited by law.

(c) through (f) No change.

(4) through (9) No change.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-21-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, 11-10-03, 6-28-07, 11-28-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Deputy Assistant Secretary, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 1, 2012

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.

RULE TITLE:

690-142.011

Insurer Conduct Penalty Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Register has been withdrawn.

### Section IV Emergency Rules

NONE

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### WATER MANAGEMENT DISTRICTS

South Florida Water Management District

NOTICE IS HEREBY GIVEN that on October 3, 2012, the South Florida Water Management District (District), received a petition for Variance (Application 121003-4) from Bruce and Judith Hays. The property is located in Palm Beach County, Section 34, Township 41 South, Range 42 East, at 137 Sedona Way, Palm Beach Gardens, FL 33418. The petition seeks relief from provisions in subsection 40E-24.201(6), Florida Administrative Code, which states that irrigation of existing landscaping shall be conducted on specific days, pursuant to Section 120.542, Fla. Stat.

A copy of the Petition for Variance or Waiver may be obtained by contacting: A copy of the petition may be obtained by contacting the Regulation Division, during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406; by telephone at 682-6911; by e-mail at [permits@sfwmd.gov](mailto:permits@sfwmd.gov); or, by accessing the District's website ([www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting)) using the Application/Permit Search. To be considered, comments must be received by the close of business on September 28, 2012, at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk. For additional information, contact Patrick Martin at (561)682-2176 or e-mail [pmartin@sfwmd.gov](mailto:pmartin@sfwmd.gov).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO. RULE TITLE:

61H1-28.0052 Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

NOTICE IS HEREBY GIVEN that on September 25, 2012, the Board of Accountancy, received a petition for Benjamin Jones, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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

For more information, you may contact: Lisa Forbess or Kathleen M. Richards at (850) 245-0455.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2012, 8:00 a.m.

PLACE: Moore Hall, Room 215, FSDB Campus

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Endowment Investment Committee of the Florida School for the Deaf and the Blind Board of Trustees to discuss matters pertaining to FSDB.

A copy of the agenda may be obtained by contacting: Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

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

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

For more information, you may contact: Jeanne G. Prickett, President, at the afore mentioned address.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2012 at 4:00 PM.

PLACE: Palm Beach Gardens Police Department Community Room, 10500 North Military Trail, Palm Beach Gardens, Florida 33410, (561) 799-4445

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting between the Chairman and Vice Chairman of the Education Practices Commission to prepare for their presentation to the State Board of Education on November 6, 2012.

A copy of the agenda may be obtained by contacting: Kathleen M. Richards at (850) 245-0455.

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: Kathleen M. Richards at (850) 245-0455. 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 EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2012, 9:00 a.m.

PLACE: Center for Learning Development, Moore Hall, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Jeanne G. Prickett, President, FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084

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

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

For more information, you may contact: Jeanne G. Prickett, President, at the afore mentioned address.

---

#### DEPARTMENT OF CITRUS

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

DATE AND TIME: Wednesday, October 24, 2012, 9:00 a.m.

PLACE: 605 E. Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Citrus Commission will convene for the purpose of standing committee meetings and their regularly scheduled meeting of the Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, issues pertaining to Chapter 601, rulemaking including, but not limited to, the final hearing on amendments to 20-9, 20-10, 20-36.007, 20-44.001, 20-69.001, 20-71, 20-91.008, 20 98.006 and 20 100.004 changing "tax" to "assessment;" amendment to 20-108.004, adding the bond schedule removed from Chapter 601; 20-13.003 regarding the membership of the Fruit Classification and Standards Committee; and new rules 20-50, 20-51, 20-52, 20-53, 20-54, 20-55, 20-56 and 20-82 placing the maturity standards removed from Chapter 601 into Department of Citrus rules; and any other matters addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Heather Facey at 863-537-3950 or hfacey@citrus.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)537-3984 or dscrews@citrus.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).

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

For more information, you may contact: Heather Facey at 863-537-3950 or hfacey@citrus.state.fl.us

---

#### PUBLIC SERVICE COMMISSION

The FLORIDA PUBLIC SERVICE COMMISSION announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 30, 2012, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 100437-EI--Examination of the outage and replacement fuel/power costs with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

The purpose of this STATUS CONFERENCE is to discuss Progress Energy Florida's repair or retire decision, the scheduling of any repairs to the CR3 unit and the scheduling of the next hearing track phases. Any other issues related to the scope and scheduling of the docket may also be discussed. The Prehearing Officer will be in attendance. One or more of the Commissioners of the Florida Public Service Commission may also attend. For questions, please contact Commission staff, Lisa Bennett, at 850-413-6230.

EMERGENCY CANCELLATION OF STATUS CONFERENCE: If a named storm or other disaster requires cancellation of the conference, Commission staff will attempt to give timely notice to the parties. Notice of cancellation of the conference will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199. A copy of the agenda may be obtained by contacting: Lisa Bennett

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

---

#### DEPARTMENT OF MANAGEMENT SERVICES

The Division of Telecommunications – Florida Region 9 announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2012, 9:00 a.m. to 5:00 p.m.

PLACE: Hilton Hotel, 100 North Atlantic Avenue, Daytona Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 9, 800 MHz Committee (FCC Region 9) agenda. All committee members and public safety agencies, including state, municipality,

county, native American Tribal, and non-governmental organizations eligible under Section 90.523 of the Commission's rules, are invited to attend this session.

A copy of the agenda may be obtained by contacting: A formal agenda will be provided on the day of the meeting.

For more information, you may contact: Ray Carlson, Chairman (561) 688-3514 or carlsonr@pbso.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Building Code CEU Requirements Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 25, 2012, 1:30 p.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

Telephone Conference #: 888-392-4560; Passcode: 1188973

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the committee.

Telephone Conference #: 888-392-4560; Passcode: 1188973

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 30, 2012, 1:00 p.m.

PLACE: Conference Call: 1(888) 670-3525, Conference Code: 9593555203#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado by e-mail: rebecca.prado@dep.state.fl.us or by phone (850)245-2094, mail: 3900 Commonwealth Blvd., MS #235, Tallahassee, FL 32399.

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: Becky Prado at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Nursing

The Florida Board of Nursing Central Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 31, 2012 @ 2:30 pm.

PLACE: Department of Health, Tallahassee at Meet Me Number (888) 670-3525 code 9638257208.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850) 245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: Friday, November 2, 2012, at 10:00 a.m.

PLACE: Room 116, Larson Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Public Hearing on the application for acquisition of Coventry Health Plan of Florida, Inc., Coventry Summit



Health Plan, Inc., Coventry Health Care of Florida, Inc., and MHNET of Florida, Inc. by Jaguar Merger Subsidiary, Inc., a wholly owned subsidiary of Aetna, Inc.

A copy of the agenda may be obtained by contacting: Catharine Schoenecker at E-mail Catharine.schoenecker@flor.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Catharine Schoenecker at E-mail Catharine.schoenecker@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Catharine Schoenecker at E-mail Catharine.schoenecker@flor.com.

#### OTHER AGENCIES AND ORGANIZATIONS

##### Southwood Shared Resource Center

The Southwood Shared Resource Center announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 22, 2012, 3:00 p.m.

PLACE: SSRC Administrative Offices, Conference Room 101, 2002 Old St. Augustine Road, Building C, Tallahassee, FL; Conference Call # = 888-670-3525; Participant Passcode = 7934058106#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Finance and Budget Workgroup.

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

A copy of the agenda may be obtained by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

#### HERNANDO COUNTY PLANNING DEPARTMENT

The Hernando County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2012, at 10:00 a.m.

PLACE: John Law Ayers County Commission Chambers, Hernando County Government Center, 20 North Main Street, Room 160, Brooksville, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting. Items scheduled on the agenda include the Annual Operations Report of the Community Transportation Coordinator, follow up to Ridge Manor Community transportation issues, and the Community Transportation Coordinator's regular quarterly report.

A copy of the agenda may be obtained by contacting: Steve Diez, Transportation Planner II, Hernando County Metropolitan Planning Organization, 20 North Main Street, Room 262, Brooksville, FL 34601, telephone (352) 754-4057, or email mpo@hernandocounty.us. The meeting agenda may be viewed online at www.hernandocounty.us/mpo.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Steve Diez, Transportation Planner II, Hernando County Metropolitan Planning Organization, 20 North Main Street, Room 262, Brooksville, FL 34601, telephone (352) 754-4057. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

#### HALIFAX HOSPITAL MEDICAL CENTER

The Board of Commissions of Halifax Hospital Medical Center announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2012, 5:05 p. m.

PLACE: Halifax Health Medical Center, Conference Room A in the France Tower, 303 North Clyde Morris Boulevard, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss general matters, including reports and receive public comments regarding the implementation of Section 115.40, Florida Statutes, as amended by Chapter 2012-66, Laws of Florida

A copy of the agenda may be obtained by contacting: Shelly Shiflet, email: shelly.shiflet@halifax.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (386)425-4771. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Shelly Shiflet, Assistant General Counsel, Halifax Hospital Medical Center, 303 North Clyde Morris Boulevard, Daytona Beach, FL 32114

**HHI DESIGN**

The LYNX/City of Orlando announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2012 from 5:00 PM to 7:00 PM (Open House)

PLACE: Orlando Public Library, 101 East Central Boulevard, Orlando, FL 32801, Albertson Room, 3rd Floor

GENERAL SUBJECT MATTER TO BE CONSIDERED: Join us anytime between 5:00 PM and 7:00 PM on Wednesday, October 24th for an update on the final design and construction of the LYMMO East/West Expansion Project.

A copy of the agenda may be obtained by contacting: Ginger Corless at 407-616-5500 or via e-mail at gcorless@hhidesign.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Sarah Tirado at (407)254-6012. If hearing impaired, contact LYNX at (407) 423-0787 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ginger Corless at 407-616-5500 or via e-mail at gcorless@hhidesign.com.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**NONE**

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

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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

**NONE**

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

**NONE**

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

**EARLY LEARNING COALITION OF OSCEOLA COUNTY  
RFP: SR/VPK FY 2013-2018**

**Public Notice**

**Invitation for Request for Proposal (RFP)**

Notice is hereby given that the Early Learning Coalition of Osceola County will receive sealed applications up to 2:00 p.m. on Monday, January 28, 2013 for the delivery of School Readiness and Voluntary Pre-Kindergarten Services. The purpose of the RFP is to provide comprehensive School Readiness and Voluntary Pre-Kindergarten services in Osceola County designed to enhance the cognitive, social, and physical development of children and to prepare them to enter kindergarten school ready.

A Letter of Intent to submit an Application is due Monday, October 29, 2012 by 5:00 p.m., eastern standard time.

An Applicant's conference will be held on Wednesday, November 14, 2012 at 2:00 p.m. at the Tompkins Conference Room, 1627 E. Vine Street, Kissimmee, Florida 34744.

RFP specifications may be downloaded from the Coalition's website at [www.elcosceola.org](http://www.elcosceola.org). Potential applicants may also submit a written request for an electronic PDF version of the RFP at [ssunka@elcosceola.org](mailto:ssunka@elcosceola.org). The Letter of Intent and sealed proposal should be submitted via mail services or hand delivery ONLY to:

Early Learning Coalition of Osceola County  
 1631 E. Vine Street, Ste. E  
 Kissimmee, Florida 34744  
 ATTN: Procurement Committee

## Section XII Miscellaneous

### DEPARTMENT OF CITRUS

Enhanced Biennial Review Report  
 Notice of Publication Pursuant to Section 120.745,  
 F.S./EBRR Report

Section 120.745, F.S. (2011), Legislative Review of Agency Rules in Effect on or Before November 16, 2010

Notice is hereby given that on February 23, 2012, the Department of Citrus published the following document on its website: Enhanced Biennial Rule Review Report, pursuant to Section 120.745(3), F.S. The internet address through which this publication may be accessed is: <http://www.fdocgrower.com/2012/02/enhanced-biennial-review-report/>. The person designated to receive all inquiries, public comments, and objections pertaining to the publications identified in this notice is as follows: Douglas R. Ackerman, Executive Director,

Florida Department of Citrus, P.O. Box 9010, Bartow, FL 33831, by email: [dackerman@citrus.state.fl.us](mailto:dackerman@citrus.state.fl.us) or by fax: (877)352-2481.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department announces receipt of the applications listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the FDOT District 7 and Tyndall Air Force Base. The applications are being processed and are available for public inspection during normal business hours, 8am to 5pm, Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed applications, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 2500), Tallahassee, FL 32399-2400.

### DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-12-130

STATE OF FLORIDA

In re:           A LAND DEVELOPMENT REGULATION  
                   ADOPTED BY THE CITY OF KEY WEST,  
                   FLORIDA, ORDINANCE NO. 12-18

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat. (2012), approving land development regulations adopted by the City of Key West, Florida, Ordinance No. 12-18 (the “Ordinance”).

FINDINGS OF FACT

1. The City of Key West is designated pursuant to § 380.05(1), Fla. Stat. (2012), and Chapter 28-36, Florida Administrative Code, as an area of critical state concern. Land development regulations adopted by the City of Key West do not become effective until approved by the Department by final order. §§ 380.05(6) and (11), Fla. Stat. (2012).

2. The Ordinance was adopted by the City of Key West on July 17, 2012, and rendered to the Department on September 25, 2012.

3. The Ordinance amends Chapter 122 of the City’s Code of Ordinances, entitled “Zoning,” Article II entitled “Nonconformities,” by amending Section 122-26 to add definitions and adding new Sections 122-33 and 122-34. The amendments to the regulations provide a process for obtaining a waiver of a nonconforming lot or structure created by the reduction in parcel size due to acquisition of a portion of the parcel by eminent domain or voluntary conveyance for a public purpose. The waiver process is intended to allow the continued use of the remainder parcel in a manner similar to its pre-acquisition, pre-taking or pre-conveyance condition.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat. (2012).

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2012). The regulations adopted by the Ordinance are land development regulations.

6. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and (11), Fla. Stat. (2012). The Principles for Guiding Development for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Florida Administrative Code.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principle:

(a) To strengthen local government capabilities for managing land use and development.

(f) Protection of the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments, including: . . . 5. The maintenance and expansion of transportation facilities, and 6. Other utilities, as appropriate.

8. The Ordinance is consistent with the City of Key West Comprehensive Plan as a whole and specifically with the following policies: Policies 1-1.5.1, 1-3.2.2 and 1-3.2.5.

WHEREFORE, IT IS ORDERED that City of Key West Ordinance No. 12-18 is found to be consistent with the Principles for Guiding Development for the City of Key West Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_/s/\_\_\_\_\_

J. THOMAS BECK, AICP  
Director, Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY  
OFFICE OF GENERAL COUNSEL

107 EAST MADISON STREET, MSC 110  
TALLAHASSEE, FLORIDA 32399-4128.

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the methods indicated this 12th day of October, 2012.

\_\_\_\_\_/s/\_\_\_\_\_  
Miriam Snipes, Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128

Cheryl Smith, City Clerk  
3216 Flagler Avenue  
Key West, FL 33040

Donald Leland Craig, AICP  
City Planner  
3140 Flagler Avenue  
Key West, FL 33040

By Hand Delivery or Interagency Mail:

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

---

By U.S. Mail:

The Honorable Craig Cates  
Mayor, City of Key West  
3216 Flagler Avenue  
Key West, FL 33040

Section XIII  
Index to Rules Filed During Preceding Week

**NOTE: The above Section will be published on Tuesday beginning October 2, 2012.**

---