

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0212
RULE TITLE: Performance-Based Exit Option Model and State of Florida High School Performance-Based Diploma

PURPOSE AND EFFECT: The purpose of this rule development is to align the rule with current language and procedures for the Performance-Based Exit Option Model.

SUBJECT AREA TO BE ADDRESSED: GED, GED Testing, FCAT; and procedural change.

RULEMAKING AUTHORITY: 1001.02, 1003.435, 1003.53 FS.

LAW IMPLEMENTED: 1001.02, 1003.435, 1003.53 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 25, 2015, 10:00 a.m. – 11:00 a.m. or until business is concluded, whichever is sooner

PLACE: Via Conference Call: 1(888)670-3525, passcode: 4285524165

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tameka Thomas, Bureau of Family & Community Outreach, 325 W. Gaines Street, Suite 1444, Tallahassee, FL 32399, (850)245-0845 or Tameka.Thomas@fldoe.org. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to https://app1.fldoe.org/rules/default.aspx

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: https://app1.fldoe.org/rules/default.aspx

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0903
RULE TITLE: Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program

PURPOSE AND EFFECT: The purpose of this rule development is to update the references to the statewide assessments and establish a standard for determining English language proficiency using the Florida Standards Assessment in English Language Arts (ELA) for the 2014-15 school year. The temporary criteria for 2014-15 are not anticipated to result in a substantial change in the number of students exited from the English for Speakers of Other Languages (ESOL) program.

SUBJECT AREA TO BE ADDRESSED: The ESOL program in Florida K-12 public schools.

RULEMAKING AUTHORITY: 1001.02, 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chane Eplin, Chief, Bureau of Student Achievement through Language Acquisition, Department of Education, (850)245-0417 or e-mail: chane.eplin@fldoe.org. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to https://app1.fldoe.org/rules/default.aspx

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: https://app1.fldoe.org/rules/default.aspx

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-10.083  
**RULE TITLE:** Standards Relating to Gross Immorality and Acts of Moral Turpitude

**PURPOSE AND EFFECT:** The purpose of this rule development is to provide the definition of gross immorality and acts of moral turpitude as related to the education profession. The effect of this new rule is to define gross immorality and acts of moral turpitude as related to the authority of the Education Practices Commission to impose penalty against an educator’s certificate and as related to the Commissioner’s authority to engage in a Deferred Prosecution Agreement with an educator under review for alleged misconduct.

**SUBJECT AREA TO BE ADDRESSED:** Gross Immorality and Acts of Moral Turpitude.

**RULEMAKING AUTHORITY:** 1012.795(1)(d), 1012.796(3) FS.

**LAW IMPLEMENTED:** 1012.795(1)(d), 1012.796(3) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** February 11, 2015, 10:15 a.m., Eastern Time

**PLACE:** Toll Free Conference Call: 1 (888)339-2688, Passcode: 269 747 37

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Marian W. Lambeth, Chief, Professional Practices Services, Florida Department of Education, 325 West Gaines Street, Suite 224-E, Tallahassee, Florida 32399-0400. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-1.09433  
**RULE TITLE:** Voluntary Prekindergarten Pre- and Post-Assessments

**PURPOSE AND EFFECT:** The purpose and effect of the proposed new rule is to identify the pre- and post-assessments that must be given to students who attend Voluntary Prekindergarten (VPK) and the requirements that must be met to effectively administer the assessments.

**SUMMARY:** The proposed rule provides that the Florida VPK Assessment, which is a progress monitoring assessment, must be used by VPK providers to assess VPK students. In addition, the proposed rule provides that Teaching Strategies Gold, which was competitively procured, is the observational assessment that must also be used by VPK providers to assess VPK students. To properly administer these assessments, the proposed rule sets forth requirements that must be met, including training and minimum qualifications for the assessor.

**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 been prepared by the Agency.

In summary, the SERC estimates that the entities affected by the rule, namely VPK providers, should encounter minimal costs as a result of the proposed rule given that the assessments, and the training to give the assessments, will be provided to VPK providers free of charge and that any indirect costs to VPK providers associated with training has been minimized by offering training by a number of methods, including by DVD or online. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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: 1001.02(2)(n), 1002.67(3) FS.

LAW IMPLEMENTED: 1002.67(3), 1002.73(2)(d) FS.

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

DATE AND TIME: February 25, 2015, 2:15 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09433 Voluntary Prekindergarten Pre- and Post-Assessments.

(1) Pre- and Post-Assessments.

(a) Every private or public Voluntary Prekindergarten Education (VPK) Program provider must implement the pre- and post-assessments approved by the State Board of Education.

(b) The pre- and post-assessments approved by the State Board of Education include both a progress monitoring tool, known as the Florida VPK Assessment, and an observational instrument, known as Teaching Strategies Gold.

(2) Qualified assessors. The pre- and post-assessments shall be administered by individuals, consistent with the assessment publisher's instructions, who are employed by a private VPK provider or school district and meet the following requirements:

(a) Participate in professional development training designed to ensure the proper administration of the approved pre- and post-assessments and that is:

1. Available through the Office of Early Learning (OEL) by OEL personnel or OEL trained individuals;

2. Web-based training, if available; or

3. Training by means of a DVD, if available; and

(b) Meet the minimum qualifications to be a VPK instructor during the school-year program, as set forth in Sections 1002.55 or 1002.63, F.S., regardless of the program (summer or school-year).

Rulemaking Authority 1001.02(2)(n), 1002.67(3) FS. Law Implemented 1002.67(3), 1002.73(2)(d) FS. History—New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 5, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-6.014 General Requirements for Adult General Education Program

PURPOSE AND EFFECT: The purpose of this amendment is adopt the active assessments currently approved by the U.S. Department of Education as appropriate for use in adult education programs when pre-testing to determine educational functioning level of students and post-testing for documenting student's learning gains, to provide procedures for pre- and post-testing for purposes of measuring and reporting student learning gains, to clarify the adult education co-enrollment program option for students, update the teacher qualifications for adult education teachers, and delete references to the Standards for Educational and Psychological Testing (APA, AERA, NCME, 1999) because those standards are met by test publishers in the approval of the assessments and standards for test administration and security are addressed in other State Board of Education rules, and to require appropriate accommodations for English language learners.

SUMMARY: The U.S. Department of Education approves and provides states the acceptable assessments appropriate for use in adult education programs in determining educational functioning level of students and in documenting learning gains of students in adult education programs. As changes occur, the updated list is posted in the Federal Register. The Florida Department of Education amends this rule to adopt the updated list of approved assessments as the U.S. Department of Education posts changes. In addition, this amendment will clarify the adult education co-enrollment program for high school students and update the teacher qualifications for adult education teachers.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule will not require legislative ratification and is not expected to have any impact on the factors found in Section 120.541(2)(a), F.S. The purpose of this amendment is to adopt all active assessments currently approved by the U.S. Department of Education as appropriate to pre-test students for placement purposes and to post-test students to document learning gains of a student enrolled in the adult general education program. In addition, this amendment will clarify the adult education co-enrollment program for adult education students and update the teacher qualifications for adult education teachers. No regulatory costs or adverse economic impact is anticipated as a result of the revisions to this rule.

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:** 1001.02(1), 1004.93(9), 1011.80(11) FS.

**LAW IMPLEMENTED:** 1004.93, 1011.80(10) FS.

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

**DATE AND TIME:** February 25, 2015, 2:15 p.m.

**PLACE:** Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathleen Taylor, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, suite 714, Tallahassee, Florida 32399-0400, (850)245-9062; Kathleen.Taylor@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.014 General Requirements for Adult General Education Program.

In the operation of adult general education programs, the following general requirements shall apply:

(1) Facilities. Instructional facilities should be consistent with the number and nature of adults served, as well as instructional methods and objectives. ~~They should provide program accessibility for persons with disabilities as required by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.~~

(2) Enrollment. Enrollment shall be limited to individuals who have legally left the elementary or the secondary school as specified in Section 1003.21(1)(c), F.S.; provided, however, that the high school may enroll temporarily assign individual students of compulsory school age who are at risk of not graduating with their 9<sup>th</sup> grade cohort to one (1) or more courses that are required for high school graduation and are classes offered in the adult high school co-enrollment general education program as specified in Section 1011.80(10), F.S. where such students ~~exhibit an educational need which can more effectively be served by the adult high school co-enrollment general education program when such courses are required for high school graduation.~~

(3) Teacher qualifications. Each school district shall establish the minimal qualifications for part-time and full-time teachers in adult education programs per Section 1012.39, F.S. Adult general education classes for which state funds are earned shall be taught by qualified teachers as defined in Rule 6A-1.0503, F.A.C., or as approved by a community college board of trustees as defined in Rule 6A-14.024, F.A.C.

(4) Academic skills tests for adults.

(a) Requirements for pre- and post-tests for adult general education students are as follows:

1. All newly enrolled students must be pre-tested to determine educational functioning within the first twelve (12) hours of instruction.

2. Programs must comply with test publishers' recommended time-frames for post-testing.

3. In certain limited cases, instructors and test administrators, based on their professional judgment, may request an exception to the test publishers' recommended time-frames for post-testing an adult learner, but the administrator or designee must approve and record the deviation and reasons therefore.

4. Students completing the required course work to earn the adult high school diploma or passing the State of Florida High School Equivalency Diploma examinations are not required to post-test.

~~(b)(a)~~ The following tests, English language versions only, are approved to pre-test students to determine educational functioning level and post-test for placement and documentation of learning gains of a student enrolled in the adult general education program. The tests shall be used ~~according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1999) and with appropriate accommodations for students with disabilities as specified in Section 1004.02(6)(7), F.S., and with necessary accommodations for English Language Learners.~~

1. Tests of Adult Basic Education (TABE), Complete Battery or Survey Form, Forms 9 & 10 ~~(all active assessments as of the date of adoption of this rule);~~

2. Comprehensive Adult Student Assessment System (CASAS) ~~(all active assessments as of the date of adoption of this rule);~~

3. General Assessment of Instructional Needs (GAIN) – test of English skills, Forms A & B (expires June 30, 2015); and

4. General Assessment of Instructional Needs (GAIN) – test of Math skills, Forms A & B (expires June 30, 2015).

~~(b)(c)~~The following tests, English language versions only, are approved to pre-test students to determine educational functioning level and post-test for documentation of learning gains be used for placement of a student enrolled in the adult English for Speakers of Other Languages program and shall be used ~~according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1999) and with appropriate accommodations for students with disabilities, as specified in Section 1004.02(6) (7), F.S., and with the necessary accommodations for English Language Learners.~~

1. Comprehensive Adult Student Assessment System (CASAS) ~~(all active assessments as of the date of adoption of this rule);~~

2. Basic English Skills Test (BEST) Plus ~~(all active assessments as of the date of adoption of this rule); or~~

3. Basic English Skills Test (BEST) Literacy ~~(all active assessments as of the date of adoption of this rule);~~

~~4. Comprehensive Adult Student Assessment System (CASAS) Employability Competency System Reading Skills for English Literacy for Career and Technical Education (ELCATE) students; and~~

~~4 5. Tests for Adult Basic Education Complete Language Assessment System – English (TABE CLAS-E) (all active assessments as of the date of adoption of this rule).~~

~~(d)(e)~~ If an adult student has a documented disability and the instruments in paragraph (4)(a) of this rule, with accommodations are not an accurate measure of the student's ability, one of the following tests shall be used for diagnostic purposes but is not approved as a pre-test or post-test in an adult general education program placement in an adult general education program;

1. Brigance Employability Skills ~~(all active assessments as of the date of adoption of this rule);~~

2. Brigance Life Skills ~~(all active assessments as of the date of adoption of this rule);~~

3. Comprehensive Test of Adaptive Behaviors (CTAB) ~~(all active assessments as of the date of adoption of this rule);~~

4. Comprehensive Adult Student Assessment (CASAS) ~~(all active assessments as of the date of adoption of this rule); and~~

5. Kaufman Functional Adult Student Assessment System (K-FAST) ~~(all active assessments as of the date of adoption of this rule);~~

~~(e)(d)~~ If an adult student has a documented disability and the instruments listed in this rule are not an accurate measure of the student's ability, documentation must be kept showing an attempt was made to assess the student, and the results of this attempt should be kept in the student's record for audit purposes.

(5) Student progress will be measured by progression through Literacy Completion Points (LCPs) using one or more of the following:

(a) Grade level/scale score improvements measured by an approved test;

~~(b) Successful completion of curriculum frameworks and/or course performance standards (for applicable programs reporting outcomes for state reporting and funding purposes only); or~~

~~(b)(e)~~ Attainment of State of Florida High School Equivalency Diploma GED or Adult Standard High School Diploma.

(c) Students who are tested in multiple skill areas must be placed in their lowest Educational Functioning Level, as determined by scale score on the approved pre- and post-tests, with the exception of reading and listening tests for students enrolled in the adult English for Speakers of Other Languages (ESOL) program.

(d) Students enrolled in the adult ESOL program are required to test in reading and listening skill areas. Use the reading score to establish and report to the Florida Department of Education (Department). Use the lower score of reading or listening to assign the student to a classroom that provides instruction at the level of the lower score. Submit both reading and listening test information to the Department.

Rulemaking Authority 1001.02(1), 1004.93(9) (8), 1011.80(11) FS. Law Implemented 1004.93, 1011.80 FS. History—Amended 2-20-64, 4-11-70, 11-17-73, 2-18-74, 6-17-74, Repromulgated 12-5-74, Amended 12-6-84, Formerly 6A-6.14, Amended 12-28-86, 10-17-89, 12-29-98, 4-26-06, 9-19-07, 8-18-09, 2-1-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rod Duckworth, Chancellor, Career and Adult Education  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2015

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.03023  
RULE TITLE: Exceptional Student Education Eligibility for Students With Autism Spectrum Disorder

PURPOSE AND EFFECT: The proposed rule amendment reflects updates to Rules 6A-6.03012 and 6A-6.030121, F.A.C., recent revisions to the Diagnostic and Statistical Manual of Mental Disorder, Fifth Edition (DSM-5), and provides additional specificity related to autism spectrum disorder and the evaluations required to determine eligibility.

SUMMARY: The rule amendment addresses the requirements for the determination of eligibility as a student with autism spectrum disorder. Some of the specific elements addressed in this rule include definitions, procedures for referral, procedures for student evaluation and criteria for eligibility. The current rule is aligned with the requirements of the Individuals with Disabilities Education Act.

**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: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed

nor would be expected to exceed any one of the economic analysis criteria 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: 1003.01, 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1003.01, 1003.57, 1003.571 FS.

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

DATE AND TIME: February 25, 2015, 2:15 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400

**THE FULL TEXT OF THE PROPOSED RULE IS:**

6A-6.03023 Exceptional Student Education Eligibility for Students With Autism Spectrum Disorder.

(1) Definition. ~~Students with Autism Spectrum Disorder.~~ Autism Spectrum Disorder is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one (1) individual to another defined to be a range of pervasive developmental disorders that adversely affects a student's functioning and results in the need for specially designed instruction and related services. Autism Spectrum Disorder is characterized by an atypical uneven developmental profile ~~with~~ and a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, ~~and/or~~ stereotyped patterns of behavior, interests, or activities, which occur across settings. ~~These characteristics may manifest in a variety of combinations and range from mild to severe. Autism Spectrum Disorder may include Autistic Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Asperger's Disorder, or other related pervasive developmental disorders.~~

(2) General education interventions and activities. Prior to referral for evaluation the requirements in subsection 6A-6.0331(1), F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of autism spectrum disorder to include deficits in social interaction, social communication, and restricted or repetitive, patterns of behavior, interests, or activities. An evaluation for

determining eligibility shall include the following components:

(a) ~~Documented and dated~~ Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive stereotyped patterns of behavior, interests, or activities, across settings. General education interventions and activities conducted prior to referral may be used to meet this criterion, if the activities address the elements identified in this paragraph;

(b) ~~A comprehensive social/developmental history based on an interview with compiled with the parents(s) or guardian(s) that addresses the core features of autism spectrum disorder;~~

(c) ~~A comprehensive psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one (1) standardized instrument specific to autism spectrum disorder to identify present levels of performance and uneven patterns of development in language, social interaction, adaptive behavior, and cognitive skills;~~

(d) ~~A comprehensive speech/language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication. An observation of the student's social communication skills must be conducted by a speech language pathologist; and,~~

(e) ~~A standardized assessment of adaptive behavior; and Medical information provided shall be considered.~~

(f) ~~If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.~~

(4) Criteria for eligibility. A student with ~~a~~Autism ~~s~~Spectrum ~~d~~Disorder is eligible for exceptional student education if all of the following criteria are met:

(a) Evidence of all of the following:

~~1. Uneven developmental profile as evidenced by inconsistencies across or within the domains of language, social interaction, adaptive behavior, and/or cognitive skills; and~~

~~1.2. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals people or the environment; and~~

~~2.3. Impairment in verbal and/or nonverbal language skills used for or social communication; skills, and~~

~~3.4. Restricted or repetitive, and/or stereotyped patterns of behavior, interests, or activities; and~~

(b) The core features identified in subparagraphs (4)(a)1., (4)(a)2., and (4)(a)3. of this rule, occur across settings.

~~(c)~~(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk), F.A.C.

Rulemaking Authority 1003.01, 1003.57, 1003.571 FS. Law Implemented 1003.01, 1003.57, 1003.571 FS. History—New 7-2-79, Formerly 6A-6.3023, Amended 7-1-07, 12-15-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-20.0281 Florida Incentive Scholarship Program

PURPOSE AND EFFECT: The purpose of the new rule is to clarify the governing statute, Section 1009.893, F.S., by establishing standards and procedures relating to the Florida Incentive Scholarship Program. The effect will be a rule which is consistent with governing law.

SUMMARY: The proposed rule provides a working title, provides program definitions, outlines requirements for student initial and renewal eligibility, provides clarification for an award amount, provides clarification for eligible postsecondary institutions and institutional duties and clarifies the time frame for students to receive funding.

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: No requirement for SERC was triggered under Section 120.541(1), F.S., and based on past experiences with rules that affect student financial assistance programs, there will be no impact on small businesses. The adverse impact or regulatory cost, if any, does not exceed nor would be expected to exceed, any one of the economic analysis criteria 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: 1001.02(1), 1009.893(12) FS.

LAW IMPLEMENTED: 1009.893 FS.

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

DATE AND TIME: February 25, 2015, 2:15 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brian Underhill, Director, State Scholarships and Grants, Finance & Operations, Office of Student Financial Assistance, Suite 1314, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.0281 Florida Incentive Scholarship Program.

(1) The Florida National Merit Scholar Incentive Program shall be referred to as the Florida Incentive Scholarship Program.

(2) A Scholar is defined as a National Merit® Finalist who receives a National Merit® \$2500 Scholarship, a Corporate-sponsored Merit Scholarship®, a College-sponsored Merit Scholarship® or an Institutional award provided to 2014 National Merit® Finalists who did not receive one of the other three scholarships associated with the National Merit® Scholarship program; or, a National Achievement® Finalist who receives a National Achievement \$2500 Scholarship® or a Corporate-sponsored Achievement Scholarship®.

(3) General eligibility requirements. To receive a Florida Incentive Scholarship Program award, a student shall meet requirements set in s. 1009.893, Florida Statutes (F.S.), and:

(a) Earn a standard diploma from a Florida high school or its equivalent pursuant to s. 1003.4281, s. 1003.4282, or s. 1003.435, F.S., or complete a home education program according to s. 1002.41, F.S. The student who earns a high school diploma from a non-Florida high school may be eligible if the student is living with a parent who is on military or public service assignment outside of the State of Florida, pursuant to s. 1009.21(7), F.S.;

(b) Not have previously received a recognized baccalaureate degree;

(c) Be initially enrolled in the 2014-15 academic year or later at an eligible Florida postsecondary institution in a baccalaureate degree program for the fall term immediately following high school graduation;

(d) Be enrolled at an eligible Florida postsecondary institution for a minimum of twelve (12) credit hours per term or the equivalent in quarter hours; and

(e) Meet the qualifications of a Scholar as defined in subsection (2) of this rule.

(4) Eligible institutions are public state universities, Florida colleges and independent institutions that offer baccalaureate degree programs and are regionally accredited. Regional accreditors are identified by the United States Department of Education.

(5) Award amounts. An eligible student who attends a Florida public postsecondary institution will receive an award equal to the on-campus institutional cost of attendance as reported by the Board of Governors of the State University System, less the sum of the student's Bright Futures Scholarship and the National Merit® Scholarship or National Achievement® Scholarship. An eligible student who attends a Florida independent postsecondary institution will receive an award equal to the highest on-campus institutional cost of attendance as reported by the Board of Governors of the State University System, less the sum of the student's Bright Futures Scholarship and the National Merit® Scholarship or National Achievement® Scholarship.

(6) Renewal requirements. Eligibility for renewal is determined at the end of the second semester, third quarter or the equivalent of each academic year. To receive a Florida Incentive Scholarship Program renewal award, a student shall meet both the grade point average and credit hour requirements set in s. 1009.893(6), F.S. The student is no longer eligible to continue to receive the scholarship if these requirements are not met.

(a) The cumulative grade point average shall be calculated by the institution where the student is enrolled as degree-seeking. This cumulative grade point average is the student's institutional cumulative grade point average. The cumulative grade point average shall be computed to two (2) decimals and shall not be rounded.

(b) The student must earn all credits for the hours in which he or she is enrolled each term as of the institution's regular drop/add period. If a student fails to earn the required hours during any term within the academic year, the student will not meet the hour requirement to renew the scholarship.

(c) Eligibility criteria for a reinstated award shall be determined if the student did not receive scholarship funding for the last academic year during which he or she was eligible after receiving initial funding. The student must submit Form FFAA-3, Florida Financial Aid Reinstatement/Restoration Application, as incorporated by reference in Rule 6A-20.027, F.A.C., by May 30 of the year the student is seeking funding.

(7) Appeals. For the purpose of eligibility, in accordance with s. 1009.40(1)(b)4., F.S., a student who does not earn the



required renewal grade point average or the hours for renewed status may still be renewed if granted an exception from the academic requirements. A student must submit an institution appeal at the institution where the student did not meet the renewal requirements for renewed status and provide documentation as required by the institution within thirty (30) days of the ineligibility notice or institutional deadline, whichever is later.

(8) Institutional responsibilities.

(a) Participating postsecondary institutions shall comply with Rules 6A-20.002 and 6A-20.0021, F.A.C.; and

(b) Verify, prior to disbursement each term, each recipient's graduation from a Florida high school, or the equivalent, Florida residency, degree-seeking status, National Merit® or National Achievement® status, and receipt of a qualifying award as defined in subsection (2) of this rule. Rulemaking Authority 1001.02(1), 1009.893(12), FS. Law Implemented 1009.40, 1009.893, FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Champion, Deputy Commissioner, Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 10, 2014

**Section III**

**Notice of Changes, Corrections and Withdrawals**

NONE

**Section IV**

**Emergency Rules**

NONE

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on January 21, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for a Routine Variance for paragraph 61C-1.004(2)(a), F.A.C., subsection 61C-4.010(7), F.A.C., subsection 61C-4.010(6), F.A.C., and Section 6-402.11, 2009 FDA Food Code from Le Macaron-French Pastries located in Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share the bathrooms located within an adjacent establishment under different ownership for use by both customers and employees.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

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

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

JOINT ADMINISTRATIVE PROCEDURES COMMITTEE

COMMITTEE MEETING AGENDA

February 2, 2015

12 House Office Building

2:30 p.m. – 3:30 p.m.

CALL TO ORDER AND ROLL CALL

WELCOME AND INTRODUCTION OF MEMBERS

TAB 1 Overview of Committee Responsibilities

TAB 2 Status Report

TAB 3 Approval of Committee Rules

TAB 4 Report on Mandatory Rulemaking by Agencies

REPORTS AND APPEARANCES

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2015, 4:00 p.m.

PLACE: Florida Horse Park, 11008 S. Highway 475, Ocala, FL 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Executive Committee to discuss general business.

A copy of the agenda may be obtained by contacting: EllenMarie Ettenger, Events Director, (352)307-6699 or email: events@flhorsepark.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: EllenMarie Ettenger, Events Director, (352)307-6699 or email: events@flhorsepark.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).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pesticide Registration Evaluation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2015, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Scientific Evaluation & Technical Assistance, Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399-1650, (850)617-7940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: the Pesticide Registration Section, (850)617-7940 or from the PREC website at <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Business-Services/Pesticide/Pesticide-Product-Registration-Procedures>. For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Review Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)617-7940.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees (FSCJ DBOT) announces the following meetings pertaining to the Association of Florida Colleges (AFC) 2015 Trustees Commission Legislative Summit and FSCJ DBOT Business Dinner, which are open to the public:

DATE AND TIME: Monday, February 2, 2015, 5:30 p.m. – 7:30 p.m.

PLACE: The Governor’s Mansion, 700 North Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER: AFC Trustee Reception.

DATE AND TIME: Monday, February 2, 2015, 7:00 p.m. – 9:30 p.m.

PLACE: Marie Livingston’s Steakhouse, 2705 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER: FSCJ DBOT Business Dinner to include the review of the February 2015 draft Board agenda.

DATE AND TIME: Tuesday, February 3, 2015, 8:00 a.m. – 3:00 p.m.

PLACE: Hotel Duval, 415 N. Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER: AFC Legislative Presentations and Updates.

Should registration be requested or special accommodations are required pertaining to AFC events, please advise AFC Office of the President, seventy-two (72) hours in advance of the meetings by contacting AFC Director of Administration and Finance Ms. Eileen Johnson at (850)205-2203 or [ejohnson@myafchome.org](mailto:ejohnson@myafchome.org).

Should attendance be requested or special accommodations are required pertaining to the DBOT FSCJ event, please advise FSCJ Office of the College President by noon on Monday, February 2, 2015, by contacting FSCJ DBOT Project Coordinator Ms. Kimberli Sodek at (904)632-3205 or [kim.sodek@fscj.edu](mailto:kim.sodek@fscj.edu). Additionally, the draft agenda will be made available upon request.

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

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

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**DEPARTMENT OF TRANSPORTATION**

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

DATE AND TIME: February 2, 2015, 1:00 p.m.

PLACE: FDOT District Office, Chipley, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Access Management Review Committee Meetings

A copy of the agenda may be obtained by contacting: Kim Weaver, (850)330-1438.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Kim Weaver, (850)330-1438. 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: Kim Weaver, (850)330-1438.

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**DEPARTMENT OF TRANSPORTATION**

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

DATE AND TIME: February 2, 2015, 1:00 p.m.

PLACE: Sebring Civic Center, 335 West Center Avenue, Sebring, Florida 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida's Transportation Visioning Regional Forums. To gather input from partners and public on the Florida Transportation Plan and Strategic Intermodal System Plan updates.

A copy of the agenda may be obtained by contacting: Paula San Gregorio, (850)414-4811.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Paula San Gregorio, (850)414-4811. 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).

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**DEPARTMENT OF TRANSPORTATION**

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

DATE AND TIME: February 3, 2015, 1:00 p.m.

PLACE: Marriott Hotel at Tampa International Airport, 4100 George J. Bean Parkway, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation and Strategic Intermodal System Plans update.

A copy of the agenda may be obtained by contacting: Paula San Gregorio, (850)414-4800.

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: Paula San Gregorio, (850)414-4800. 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).

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**DEPARTMENT OF TRANSPORTATION**

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

DATE AND TIME: February 5, 2015, 1:00 p.m.

PLACE: Delray Beach Old School Square, 51 North Swinton Avenue, Delray Beach, Florida 33444

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updating the Florida Transportation and Strategic Intermodal System Plans.

A copy of the agenda may be obtained by contacting: Paula San Gregorio, (850)414-4800.

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: Paula San Gregorio, (850)414-4800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 29, 2015, 10:00 a.m.  
\*\*Cancelled\*\*

PLACE: Florida Transportation Commission, 605 Suwannee Street, Room 176, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
\*\*Cancelled\*\* FTC Bi-Weekly Teleconference.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4105.

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, Room 176, MS 9, Tallahassee, Florida 32399-0450 or phone: (850)414-4105.

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REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2015, 9:30 a.m.

PLACE: DeSoto County Courthouse Commission Chambers, 201 East Oak Street, Arcadia, FL 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular meeting of the Central Florida Regional Planning Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: Kathryn Hall at khall@cfrpc.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: Kathryn Hall at khall@cfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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

DATE AND TIME: February 11, 2015, 9:00 a.m. or soon thereafter

PLACE: The Shores Resort & Spa, 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
The meeting will be held in conjunction with the Board of Architecture and Interior Design. General business including topics of interest to both professions.

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.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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

DATE AND TIME: February 17, 2015, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Secretary's Conference Room, 1940 N. Monroe St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: to discuss whether Florida licenses architects and engineers employed full time by building departments require separate licensure by the Florida Building Code Administrators and Inspectors Board.

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 5 days 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](mailto:rsammons@fbpe.org).

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
The Department of Environmental Protection announces a public meeting to which all persons are invited.  
DATE AND TIME: February 5, 2015, 2:00 p.m. – 5:00 p.m.  
PLACE: Lykes Bros. Inc., Ranch Division, Okeechobee, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Agenda of the Settlement Agreement Advisory Board (SAAB). The previously noticed meeting has been cancelled. The meeting will be rescheduled for a future date.

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**FLORIDA HOUSING FINANCE CORPORATION**  
The Florida Housing Finance Corporation announces a workshop to which all persons are invited.  
DATE AND TIME: February 5, 2015, 2:00 p.m., Eastern Time  
PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, Seltzer Room, Suite 6000, Tallahassee, Florida  
The workshop will also be available by telephone. Prior to the workshop, the call-in instructions will be posted on the Florida Housing website:  
<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-103/>.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing’s proposed Request for Applications (RFA) 2015-103 – Housing Credit Financing for the Revitalization of Affordable Housing Developments. This RFA will offer Housing Credits for the development and revitalization (consisting of Rehabilitation or Redevelopment) of affordable, multifamily housing, with a focus on the Development’s leveraging of funding from local or federal government sources, as well as how the proposed Development ties into an initiative to revitalize the neighborhood or community. This RFA will be open to Applicant entities that do not include a Public Housing Authority (PHA) established under Chapter 421, F.S., as a Principal of either the Applicant entity or the Developer entity.

A copy of the agenda may be obtained by contacting: Ken Reecy at (850)488-4197.  
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: Jean Salmonsens at (850)488-4197. 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).

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**FISH AND WILDLIFE CONSERVATION COMMISSION**  
Marine Fisheries  
The Florida Fish & Wildlife Conservation Commission announces a public meeting to which all persons are invited.  
DATE AND TIME: February 25, 2015, 6:00 p.m. – 8:00 p.m., EST  
PLACE: City of Key Colony Beach – City Hall, 600 West Ocean Drive, Key Colony Beach, FL 33051  
DATE AND TIME: March 3, 2015, 6:00 p.m. – 8:00 p.m., EST  
PLACE: International Game Fish Association (IGFA) Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

DATE AND TIME: March 5, 2015, 6:00 p.m. – 8:00 p.m., EST

PLACE: Statewide webinar and telephone conference call.  
 Webinar: <http://fwc.adobeconnect.com/mfm/>. Voice-only access – contact [Marine@MyFWC.com](mailto:Marine@MyFWC.com) or (850)487-0554. More information about how to participate in the webinar or conference call will be available on FWC website prior to the webinar

date: <http://www.myfwc.com/fishing/saltwater/rulemaking/workshops/>. People interested in participating may also contact the Division of Marine Fisheries Management at (850)487-0554 for more information.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Fish and Wildlife Conservation Commission (FWC) is holding in-person and webinar workshops to gather public input regarding barracuda management options. Specifically, the FWC will be gathering public comments about potential commercial and recreational bag limits, size limits, gear restrictions, region-specific regulations, and other related management options. Anyone with an interest in this topic or who would like to share their ideas to help manage this fishery is encouraged to attend.

A copy of the agenda may be obtained by contacting: Jessica McCawley, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: The ADA Coordinator at (850)488-6411. 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: Jessica McCawley, at 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

The Florida Fish & Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: February 23, 2015, 6:00 p.m. – 8:00 p.m., EST

PLACE: Harvey Government Center – BOCC Room, 1200 Truman Avenue, Key West, Florida 33040

DATE AND TIME: February 24, 2015, 6:00 p.m. – 8:00 p.m., EST

PLACE: City of Key Colony Beach – City Hall, 600 W. Ocean Drive, Key Colony Beach, Florida 33051

DATE AND TIME: February 26, 2015, 6:00 p.m. – 8:00 p.m., EST

PLACE: Murray Nelson Government Center – Auditorium, 10205 Overseas Highway, Key Largo, Florida 33037

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Fish and Wildlife Conservation Commission is holding a series of public workshops to gather public input about management of the commercial bully net fishery for lobster. Discussion will include, but may not be limited to, license requirements, daily harvest limits, and other potential harvest restrictions. Anyone involved in or who has concerns about the bully net fishery and would like to share their ideas about possible management changes is encouraged to attend.

A copy of the agenda may be obtained by contacting: Jessica McCawley, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: The ADA Coordinator at (850)488-6411. 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: Jessica McCawley, at 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

**MRGMIAMI**

The Florida Department of Transportation (FDOT), District Four, announces public meetings to which all persons are invited.

DATE AND TIMES: Thursday, January 29, 2015, 2:30 p.m. (Elected Officials/Agency Kick-off Meeting) and 5:30 p.m. (Public Kick-off Meeting)

PLACE: City of Palm Beach Gardens Council Chambers, 10500 North Military Trail, Palm Beach Gardens, FL 33410

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The Florida Department of Transportation (FDOT) District Four will be hosting an Elected Official/Agency Kick-off Meeting and a Public Kick-off Meeting for SR 9/I-95 PGA Boulevard/Central Boulevard Project Development and Environment (PD&E) Study. The Elected Official/Agency Kick-off Meeting will be from 2:30 p.m. – 4:00 p.m., with a formal presentation at 3:00 p.m. The Public Kick-off Meeting will begin as an open house at 5:30 p.m., with a formal presentation at 6:00 p.m. The Kick-off Meetings are being conducted to give interested persons an opportunity to express their views concerning the Study. The primary purpose of this PD&E Study is to identify roadway improvements, which will enhance regional mobility for the area bound by this study and includes the addition of a new interchange on I-95 at Central Boulevard.

A copy of the agenda may be obtained by contacting: Ms. Bing Wang, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4406, toll-free: 1(800)336-8435, ext. 4406 or via email: Bing.Wang@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Bing Wang, P.E., at (954)777-4406, toll free: 1(800)336-8435, ext. 4406; in writing to Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 or via email: Bing.Wang@dot.state.fl.us. Any persons who require translation services (free of charge) should also contact Ms. Bing Wang, P.E. at least seven (7) days before the meeting. 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: Ms. Bing Wang, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4406, toll-free: 1(800)336-8435, ext. 4406 or via email: Bing.Wang@dot.state.fl.us.

**THE CUNNINGHAM GROUP (FDOT – District Six)**  
 The Florida Department of Transportation (FDOT) District Six announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, January 30, 2015, 9:00 a.m. – 11:00 a.m.

**PLACE:** Adrienne Arsht Center, 1301 Biscayne Boulevard, Miami, FL 33132

(Peacock Foundation Education Center, James L. Knight Concert Hall)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The Aesthetic Steering Committee (ASC) for the I-395 Reconstruction project will meet to discuss and evaluate potential bridge design alternatives.

A copy of the agenda may be obtained by contacting: Raul E. Quintela, P.E., Project Manager, Florida Department of Transportation District Six, 1000 NW 111 Avenue, Miami, Florida 33172, (305)470-5117, fax: (305)640-7558, email: raul.quintela@dot.state.fl.us or from the project website at <http://I-395Miami.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 3 days before the workshop/meeting by contacting: Ms. Fang Mei, P.E. at (305)470-5342 or in writing at the Florida Department of Transportation, District Six, 1000 NW 111 Avenue, Room 6111, Miami, Florida 33172 or by email: fang.mei@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Raul E. Quintela, P.E. at (305)470-5117 or [raul.quintela@dot.state.fl.us](mailto:raul.quintela@dot.state.fl.us).

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

NONE

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

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

NONE

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

NONE

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

NONE

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

**COMMITTEE MEETING  
AGENDA  
February 2, 2015  
12 House Office Building  
2:30 p.m. – 3:30 p.m.**

CALL TO ORDER AND ROLL CALL

WELCOME AND INTRODUCTION OF MEMBERS

TAB 1 Overview of Committee Responsibilities

TAB 2 Status Report

TAB 3 Approval of Committee Rules

TAB 4 Report on Mandatory Rulemaking by Agencies

REPORTS AND APPEARANCES

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-60.003 Notice and Posting of Competitive Solicitations  
Request for Applications 2015-102 for Elderly Housing  
Community Loan

This Request for Applications (RFA) is open to Applicants proposing the rehabilitation of affordable, multifamily housing utilizing Elderly Housing Community Loan (EHCL) funding established under Section 420.5087(3)(e), F.S. Funding under this RFA must be used to provide for life-safety, building preservation, health, sanitation, or security-related repairs or improvements to Developments currently serving Elderly residents aged 62 or older. Under this RFA, Florida Housing Finance Corporation expects to have up to an estimated \$1,709,662 of EHCL available for award to proposed Developments located in Large Counties, up to an estimated \$1,193,538 of EHCL available for award to proposed Developments located in Medium Counties and up to an estimated \$750,000 of EHCL available for award to proposed Developments located in Small Counties.

Applications shall be accepted until 11:00 a.m., Eastern Time, on March 17, 2015, to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at Ken.Reecy@floridahousing.org or as otherwise directed in the RFA. This Request for Applications, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-102/>.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.



DEPARTMENT OF MILITARY AFFAIRS  
215012 Jacksonville Snyder Roof  
STATE OF FLORIDA, DEPARTMENT OF MILITARY  
AFFAIRS  
PUBLIC ANNOUNCEMENT  
INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General or Building Contractors (GC) for the following project located at Maxwell C. Snyder NGA, Jacksonville, FL.

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER 1/26/2015 AT [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

PROJECT: 215012 Jacksonville Snyder NGA Roof.

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted)

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System

STATEMENT OF WORK: Replacement Maxwell C. Snyder NGA Roof. Roof approximately 36,725 sqft. Please refer to the MyFlorida.com Vendor Bid System for complete details.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch (904)823-0255 or 827-8544 or e-mail: [ng.fl.flarnng.list.ngfl-cfmo-contracting@mail.mil](mailto:ng.fl.flarnng.list.ngfl-cfmo-contracting@mail.mil).

Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

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DEPARTMENT OF MILITARY AFFAIRS  
215015 Panama City NGA Roof  
STATE OF FLORIDA, DEPARTMENT OF MILITARY  
AFFAIRS  
PUBLIC ANNOUNCEMENT  
INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General or Building Contractors (GC) for the following project located at: Hiram W. Sperry NGA, Panama City, FL.

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER JANUARY 26, 2015 AT [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

PROJECT: 215015 Panama City NGA Roof.

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted)

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System

STATEMENT OF WORK: Replacement of Hiram W. Sperry NGA Roof. Roof approximately 30,427 sq. ft. Please refer to the MyFlorida.com Vendor Bid System for complete details.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch, (904)823-0255, 827-8544 or Email: [ng.fl.flarnng.list.ngfl-cfmo-contracting@mail.mil](mailto:ng.fl.flarnng.list.ngfl-cfmo-contracting@mail.mil).

Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

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DAYTONA STATE COLLEGE

Professional Services

RFQ #15-006 (Request for Qualifications)

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and engineering services.

The project is to provide professional services for the Master Site Plan of all Daytona State sites.

Firms or individuals desiring to qualify for consideration must submit proposals no later than 12:00 p.m. on February 3, 2015, to the Facilities Planning Department, Daytona State College, Building 430/Room 100, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting: nielseb@daytonastate.edu or by visiting our website at <http://www.daytonastate.edu/fp/proposals.html>.

Section XII  
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
State Revolving Fund Program

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTICE  
City of Bushnell

The Florida Department of Environmental Protection (DEP) has determined that the City of Bushnell project involving the construction of a replacement water transmission main along State Road 48 is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$775,677. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Gregg Caro, SRF Program, Department of Environmental Protection, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400, by calling (850)245-8546 or by email: [gregg.caro@dep.state.fl.us](mailto:gregg.caro@dep.state.fl.us).

DEPARTMENT OF FINANCIAL SERVICES

Division of Rehabilitation and Liquidation

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FLORIDA HEALTHCARE PLUS, INC.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2014-CA-2762

In Re: The Receivership of FLORIDA HEALTHCARE PLUS, INC., a Florida corporation authorized to transact business in Florida as a Health Maintenance Organization.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FLORIDA HEALTHCARE PLUS, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 10th day of December, 2014, the Department of Financial Services of the State of Florida was appointed as Receiver of FLORIDA HEALTHCARE PLUS, INC. and was ordered to liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons having claims against the assets of FLORIDA HEALTHCARE PLUS, INC. shall present such claims to the Receiver on or before 11:59:59 p.m. on December 31, 2015, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Florida Department of Financial Services, Division of Rehabilitation and Liquidation, Receiver of FLORIDA HEALTHCARE PLUS, INC., 2020 Capital Circle, SE, Alexander Building, Suite 310, Tallahassee, Florida 32301. Additional information may be found at: [www.myfloridacfo.com/division/receiver](http://www.myfloridacfo.com/division/receiver).

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-15-012  
In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF MARATHON  
ORDINANCE NO. 2014-18

FINAL ORDER  
APPROVING CITY OF MARATHON ORDINANCE NO.  
2014-18

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2014-18 (the “Ordinance”).

FINDINGS OF FACT

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

2. The Ordinance was adopted by the City of Marathon on October 28, 2014, and rendered to the Department on November 21, 2014.

3. The Ordinance amends the City of Marathon Code Of Ordinances Chapter 6 (Building and Building Regulation), Division 2 (Permits), Section 6-52 (Building or site preparation permits required; exceptions); Appendix A, Chapter 110 (Definitions), Article 3 (Defined Terms), to provide for a site preparation permit to be issued for the construction of minimal access driveways to parcels which do not have principle use or structure.

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 § 380.0552(9), Florida Statutes.

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Florida Statutes and Florida Administrative Code Chapter 28-29.

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

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

8. The Ordinance is consistent with the City of Marathon Comprehensive Plan generally, and specifically Policy 4-1.2.1 (Future Land Use Element); Objective 4-1.5 (Conservation Element) and Policy 3-4.2.1 (Infrastructure Element).

9. The Ordinance is consistent with the Principles for Guiding Development in § 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2014-18 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_/s/\_\_\_\_\_  
William B. Killingsworth, Director  
Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

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

For the required contents of a petition challenging agency action, refer to Rules 28-106.104(2), 28-106.201(2), and 28-106.301, Florida Administrative Code.

Depending on whether or not material facts are disputed in the petition, a hearing will be conducted pursuant to either sections 120.569 and 120.57(1), Florida statutes, or Sections 120.569 and 120.57(2), Florida statutes.

Any petition must be filed with the agency clerk of the department of economic opportunity within 21 calendar days of the final order being published in the florida administrative register. A petition is filed when it is received by:

Agency Clerk  
Department of Economic Opportunity  
Office of the general Counsel  
107 East Madison St., MSC 110  
Tallahassee, Florida 32399-4128  
Fax: (850)921-3230

You waive the right to any administrative proceeding if you do not file a petition with the agency clerk within 21 calendar days of the final order being published in the florida administrative register.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 22nd day of January, 2015.

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

By Certified 011-U.S. Mail:  
The Honorable Dick Ramsay, Mayor  
City of Marathon, City Council  
9805 Overseas Highway  
Marathon, FL 33050

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

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

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-15-013  
In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF MARATHON  
ORDINANCE NO. 2014-019

FINAL ORDER  
APPROVING CITY OF MARATHON ORDINANCE NO.  
2014-019

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2014-019 (the “Ordinance”).

FINDINGS OF FACT

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

2. The Ordinance was adopted by the City of Marathon on October 28, 2014, and rendered to the Department on November 21, 2014.

3. The Ordinance amends the City of Marathon Code Of Ordinances Chapter 103 (Zoning Districts), Article 3 (Use and Intensity Tables); Chapter 104 (Specific Use Regulations) Article 1 (General Provisions); and Chapter 110 (Definitions – inserting new definitions as necessary related to the use of “Sport Shooting and Training Ranges”). This amendment allows for the inclusion of a new category of conditional use entitled “Sport Shooting and Training Ranges” within the “Industrial,” “Mixed Use,” and “Public” Future Land Use Map land use categories and establishes zoning regulations in which to permit the use within the City.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. § 380.05(6) and § 380.0552(9), Florida Statutes.

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Florida Statutes and Florida Administrative Code Chapter 28-29.

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

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

8. The Ordinance is consistent with the City of Marathon Comprehensive Plan generally, and specifically Policy 1-3.1.4 (Future Land Use Categories).

9. The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2014-019 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_/s/\_\_\_\_\_  
William B. Killingsworth, Director  
Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

Agency Clerk  
Department of Economic Opportunity  
Office of the general Counsel  
107 East Madison St., MSC 110  
Tallahassee, Florida 32399-4128  
Fax (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 22nd day of January, 2015.

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

By Certified 011-U.S. Mail:  
The Honorable Dick Ramsay, Mayor  
City of Marathon, City Council  
9805 Overseas Highway  
Marathon, FL 33050

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

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

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-15-015  
In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF MARATHON  
ORDINANCE NO. 2014-12

FINAL ORDER  
APPROVING CITY OF MARATHON ORDINANCE NO.  
2014-12

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552, Florida Statutes, approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2014-12 (the “Ordinance.”)

FINDINGS OF FACT

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

2. The Ordinance was adopted by the City of Marathon on August 26, 2014, and rendered to the Department on December 8, 2014.

3. The Ordinance amends the City of Marathon Code of Ordinances to repeal Article III (Unsafe Building Abatement Code) of Chapter 6 (Buildings and building Regulations) and to create Article III (Unsafe Structures and Equipment). The Ordinance permits any structure deemed unsafe by the Building Official to be opened as a code case by the Code Department. All appeals, fees and assessment liens would be heard before the Code Compliance Board and be governed by the terms and Code Section under which the Code Board operates. The Ordinance does not supersede the authority of the building under the Florida Statutes or the Florida Building Code.

CONCLUSIONS OF LAW

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

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Florida Statutes and Florida Administrative Code Chapter 28-26.

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

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

8. The Ordinance is consistent with the City of Marathon Comprehensive Plan generally, and specifically with Chapter 1, Policy 1-1.1.1 (Removal of Hazard Structures), and Chapter 2, Policy 2-1.3.5 (Eliminate Unsafe Housing).

9. The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2014-12 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_/s/\_\_\_\_\_  
William B. Killingsworth, Director  
Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF RECEIPT OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

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

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF RECEIPT OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 22nd day of January, 2015.

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

By Certified U.S. Mail:  
The Honorable Dick Ramsay, Mayor  
City of Marathon, City Council  
9805 Overseas Highway  
Marathon, FL 33050

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

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

Section XIII  
Index to Rules Filed During Preceeding  
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.