

ADMINISTRATION COMMISSION

MONROE COUNTY

Rule No.: RULE TITLE

28-20.130: Work Program Administration

28-20.140: Comprehensive Plan

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 50, December 17, 2010, issue of the Florida Administrative Weekly.

28-20.130 Work Program Administration.

(1) Pursuant to Section 380.0552(4) paragraph (b), the Department of Community Affairs shall submit a written annual report to the Administration Commission on, November 30, 2011 and each year thereafter, until such time as the designation is removed, describing the progress of the Florida Keys Area toward accomplishing remaining tasks under the work program (as set out in Rules 28-20.110 and 28-20.140, F.A.C.), the fulfillment of the legislative intent and providing a recommendation as to whether progress toward accomplishing the tasks of the work program has been achieved.

(2) The Department of Community Affairs shall recommend to the Administration Commission the removal of designation when the removal of designation criteria of s. 380.0552(4), F.S., is achieved.

(3) For each water quality task in the work program, the Department of Community Affairs shall request appropriate federal, state, regional, and local agencies to contribute any relevant data, analysis and recommendations, and to take an active role in assisting the County in completing the task. Each agency shall prepare a section to be included in the Department's report which indicates the agency's actions relative to the work program. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating relevant local, state and federal agencies to allocate funding or provide staff to monitor nearshore waters, as necessary, for nutrient reductions.

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

Comment [b1]: Removed based on JAPC comments.

28-20.140 Comprehensive Plan.

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

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

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

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

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

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

(d) (e) Through the Permit Allocation Systems, Monroe County shall direct new growth and redevelopment to areas served or that would be served by a central sewer system by December 2015 that has committed or planned funding. Committed or planned funding is funding that is financially feasible and reflected in a Capital

Comment [b2]: Monroe requested the removal, siting inconsistency with State statute.

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

(3) Reporting and Oversight

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

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

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

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

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

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

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

(a) Carrying Capacity Study Implementation.

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

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

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

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

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

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

Comment [b3]: Monroe County requested the change in order to clarify the term "committed funding."

Comment [b4]: Reorganized based on JAPC comments.

Comment [b5]: "at least" removed at the request of Islamorada. The Department agreed that this could be interpreted to mean that the AC could reduce allocation s in an amount greater than 20%.

Comment [b6]: Hurricane category language changed based on updated terminology used.

Comment [b7]: Removed based on JAPC comments

Comment [b8]: Dates changed in items 1. through 9. Based on input from Monroe that based on their current BOCC agenda and notice schedule they are unable to achieve these dates

data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.

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

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

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

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

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

12. By July 1, ~~2012~~ 2011, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding to complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the Department of Community Affairs and each municipality in the Keys.

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

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

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

(b) Wastewater Implementation.

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

Comment [b9]: Dates changed in items 11. through 14. Based on input from Monroe and Islamorada that indicated the ability to get an MOU noticed and on the agenda of the 6 local governments' legislative bodies by July 2011 was not feasible.

Comment [b10]: Added to ensure consistency of language with the Islamorada and Marathon rules

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

Comment [b11]: Monroe indicated that this work has been done and the final determinations have been made.

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

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

Comment [b12]: 2. & 4 rewritten and deleted at the request of the local government. Monroe and Islamorada requested the change based on their position that the statute (381.0065(3)(h) and (4)(l)) assigns the enforcement authority with DOH.

~~5. By July 1, 2011, Monroe County shall annually draft a resolution requesting the issuance of \$50 million of the \$200 million of bonds authorized under s. 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.~~

~~6. By July 1, 2011, Monroe County shall develop a mechanism to provide accurate and timely information and establish the County's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under s. 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.~~

Comment [b13]: Language added at the request of Monroe County to add clarity.

~~7. By July 1, 2011, Monroe County shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.~~

~~8. By July 1, 2011, Monroe County shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.~~

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

Comment [b14]: Monroe County requested this section be deleted. The work has been done and is outlined in the wastewater master plan

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

~~11. By December 1, 2013, July 1, 2013, and each July thereafter the County shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection, and the Department of Community Affairs. This report shall describe the status of the County's enforcement action, and provide the circumstances of why enforcement may or may not have been initiated. The Monroe County Department of Health and Department of Community Affairs may proceed with enforcement as necessary and appropriate.~~

Comment [b15]: Added for clarity

(c) Wastewater Project Implementation.

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

Comment [b16]: 10. & 11 rewritten and deleted at the request of the local government. Monroe and Islamorada requested the deletion based on their position that the statute (381.0065(3)(h) and (4)(l)) assigns the enforcement authority with DOH.

a. By July 1, ~~2012~~ 2014, Monroe County shall complete construction of the South Transmission Line; ~~and~~

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

Comment [b17]: Removal of "and" is a technical change, made by DCA's clerk

c. By July 1, ~~2012~~ 2014, Monroe County shall complete construction of Collection basins E-H; ~~and~~

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

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

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

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

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

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

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

- b. By July 1, 2011, Monroe County shall complete construction of Duck Key collection system; ~~and~~
 - c. By July 1, 2011, Monroe County shall initiate property connections to Hawk's Cay WWTP; ~~and~~
 - d. By July 1, 2012, Monroe County shall complete 50% of hook-ups to Hawk's Cay WWTP; ~~and~~
 - e. By July 1, 2013, Monroe County shall complete 75% of hook-ups to Hawk's Cay WWTP; and
 - f. By July 1, 2014, Monroe County shall complete all remaining connections to Hawk's Cay WWTP.
3. South Lower Keys Wastewater Treatment Facility (Big Coppitt Regional System).
- a. By July 1, 2012, Monroe County shall complete 75% hookups to South Lower Keys WWTP; and
 - b. By July 1, 2013, Monroe County shall complete all remaining connections to the South Lower Keys WWTP.
4. Cudjoe Regional Wastewater Treatment Facility.
- a. By July 1, 2011, Monroe County shall complete planning and design documents for the Cudjoe Regional Wastewater Treatment Facility ~~the Central Area (Cudjoe, Summerland, Upper Sugarloaf) collection system and the Central Area Transmission Main; for Phases 1 and 2 (WWTP, transmission main and collection system); and~~
 - b. By ~~October~~ July 1, 2012, Monroe County shall ~~initiate complete~~ construction of Wastewater Treatment Facility, Central Area collection System and Central Area Transmission Main; ~~Plant Phase 1 and collection systems (Phase 1 is the initial WWTP construction to treat flows from a central collection area); and~~
 - c. By July 1, ~~2014~~ ~~2012~~ Monroe County shall ~~initiate complete~~ construction of Wastewater Treatment Facility, Central Area collection System and Central Area Transmission Main; ~~Plant Phase 2 (Phase 2 is the planned WWTP expansion to provide additional capacity to treat flows from the expanded collection area); and~~
 - d. By ~~February 1, 2012~~ July 1, 2013 Monroe County shall ~~initiate complete~~ construction of Wastewater Treatment ~~Outer Area Collection System and Transmission Main; Plant Phase 2 Expansion; and~~
 - e. By ~~July 1, 2013~~ February 1, 2015, Monroe County shall complete construction of ~~central~~ Outer Area collection ~~lines~~ and transmission main; ~~and~~
 - f. By July 1, ~~2014~~ ~~2013~~, Monroe County shall initiate property connections – complete 25% of hook-ups to Cudjoe Regional WWTP; ~~and~~
 - g. By July 1, ~~2015~~ ~~2012~~, Monroe County shall complete 50% of hook-ups to Cudjoe Regional WWTP; and
 - h. By ~~December 1, 2015~~ July 1, 2014, Monroe County shall complete ~~remaining~~ 75% of hook-ups to Cudjoe Regional WWTP; ~~and~~
 - i. ~~By January 1, 2015, Monroe County shall complete all remaining connections to Cudjoe Regional WWTP.~~
- (d) Stormwater Treatment Facilities.
1. By July 1, 2011, Monroe County shall evaluate and allocate funding for stormwater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.
 2. By July 1, 2011, Monroe County shall apply for stormwater grants from the South Florida Water Management District.
 3. ~~By July 1, 2011, Monroe County shall design and construct Mile Marker 17-19 stormwater runoff management improvements along U.S. Highway One through Joint Participation Agreement with FDOT.~~
 3. 4. By July 1, 2011, Monroe County shall complete Card Sound Road stormwater improvements.
- Rulemaking Authority 380.0552(9), 380.05(22), FS. Law Implemented 380.0552, FS. History – New

Comment [b18]: Remaining dates and projects changed at the request of Monroe County based on their revised plan for accomplishing the task

ADMINISTRATION COMMISSION

CITY OF MARATHON

Rule No.: RULE TITLE

28-18.100: Purpose and Effect

28-18.300: Work Program Administration

28-18.400: Comprehensive Plan

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 50, December 17, 2010, issue of the Florida Administrative Weekly.

28-18.100 Purpose and Effect.

~~(1) The purpose of this Chapter is to amend the Comprehensive Plan of the City of Marathon, effective date of May 5, 2005, within the Florida Keys Area of Critical State Concern, pursuant to Section 380.0552(9), F.S. In order to provide an accurate record of the amendments approved by this chapter, each set of amendments is set forth in a separate rule section. If any provision of the comprehensive plan is amended by two rule sections, the latest amendment shall control.~~

Comment [b19]: Removed based on JAPC comments.

~~(2) As provided in Sections 380.05(10) and 380.0552(7), F.S., the Comprehensive Plan of the City of Marathon adopted herein shall be superseded by amendments which are proposed by Marathon and approved by the Department of Community Affairs pursuant to Sections 380.05(6) and 380.0552(9), F.S. Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History--New _____.~~

28-18.300 Work Program Administration.

~~(1) Pursuant to Section 380.0552(4) paragraph (b), the Department of Community Affairs (Department) shall submit a written annual report to the Administration Commission on November 30, 2011 and each year thereafter, until such time as the designation is removed, describing the progress of the Florida Keys Area toward accomplishing remaining tasks under the work program (as set out in Rule 28-20.110, F.A.C. and Rule 28-18.400, F.A.C.), and providing a recommendation as to whether progress toward accomplishing the tasks of the work program has been achieved.~~

~~(2) The Department of Community Affairs shall recommend to the Administration Commission the removal of designation when the removal of designation criteria of Section 380.0552(4), F.S., is achieved.~~

~~(3) For tasks in the work program related to water quality, the Department of Community Affairs shall request assistance from appropriate federal, state, regional, and local agencies and request to contribute any relevant data, analysis and recommendations, and take an active role in assisting the City in completing the task. Each agency shall prepare a section to be included in the Department's reports which indicates the agency's actions relative to the work program. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role to allocate funding or provide staff to monitor nearshore waters, as necessary, for nutrient reductions. Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History--New _____.~~

Comment [b20]: Removed based on JAPC comments.

28-18.400 Comprehensive Plan.

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

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

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

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

~~(c) Allocations and permits to construct a new development or redevelopment that requires a modification or a repair to the onsite sewage treatment and disposal system, per Section 381.0065(4)(1) and Section 403.086(10), F.S., and subsection 64E-6.001(4), F.A.C., shall not be issued unless the unit is connected to or will be connected to a~~

central sewer system that has committed funding, a construction permit from the Department of Environmental Protection and the collection system is physically under construction, or the unit has an onsite sewage treatment and disposal system that meets the treatment and disposal requirements of Section 381.0065(4)(1) and Section 403.086(10), F.S.

(c) ~~(d)~~ Through the Permit Allocation Systems, Marathon shall direct new growth and redevelopment to areas served by a central sewer system by 2015 that has committed or planned funding sources. ~~Committed or planned funding is funding that is financially feasible and reflected in a Capital Improvements Element approved by the Department of Community Affairs, a construction permit from the Department of Environmental Protection and is physically under construction.~~ Prior to the ranking and approval of awards for an allocation authorizing development of new principal structures, Marathon shall coordinate with the central wastewater facility provider and shall increase an applicant's score by four points for parcels served by a collection line within a central wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of Sections 381.0065(4)(1) and 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a ~~construction design~~ permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

Comment [b21]: Monroe requested the removal, citing inconsistency with State statute. Deleted from Marathon so that the rules would be consistent with one another.

Comment [b22]: Monroe County requested the change in order to clarify the term "committed funding."

(3) Reporting and Oversight

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

Comment [b23]: Re-organized per JAPC comments.

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

Comment [b24]: "at least" removed at the request of Islamorada. The Department agreed that this could be interpreted to mean that the AC could reduce allocations in an amount greater than 20%.

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

(d) ~~(h)~~ Wastewater treatment and disposal in Marathon is governed by the requirements of Sections 381.0065(4)(1) and 403.086(10), F.S., as amended. Nothing in this rule shall be construed to limit the authority of the Department of Environmental Protection or Department of Health to enforce Sections 381.0065(4)(1) and 403.086(10), F.S., as amended.

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

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

Comment [b25]: Hurricane category language changed based on updated terminology used.

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

Comment [b26]: Deleted based on JAPC comments.

(a) Carrying Capacity Study Implementation.

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

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

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

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

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

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

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

Comment [b27]: Dates changed in items 7. through 11. Based on input from Monroe and Islamorada that indicated the ability to get an MOU noticed and on the agenda of the 6 local governments' legislative bodies by July 2011 was not feasible.

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

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

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

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

(b) Wastewater Implementation.

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

~~2. By July 1, 2011, Marathon shall provide a final determination of service areas requiring upgrade to meet Section 381.0065(4)(l) and 403.086(10), F.S., wastewater treatment and disposal standards. This shall be in the form of a resolution, including a map of the non-service areas. The Department of Health, Marathon, and the City's wastewater provider shall explore possible mechanisms to provide upgrades and central management of onsite sewage treatment and disposal systems located in non-service areas of the City. By March 1, 2013, the Department of Health will provide an update to the Department of Community Affairs describing the mechanisms discussed by the parties and the results of those discussions.~~

Comment [b28]: Monroe requested removal and this was removed from Marathon for consistency across all rules. Monroe indicated that this work has been done and the final determinations have been made.

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

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

Comment [b29]: 2. & 4 rewritten and deleted at the request of the local government. Changed in Marathon for consistency. Monroe and Islamorada requested the changed based on their position that the statute (381.0065(3)(h) and (4)(l)) assigns the enforcement authority with DOH.

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

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

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

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

Comment [b30]: Language added at the request of Monroe County to add clarity – changed in all rules for consistency.

7. 9. By December 1, 2014 Beginning July 1, 2013 and each July 1 thereafter, Marathon shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department and the Department of Community Affairs. This report shall describe the status of Marathon's enforcement action and provide the circumstances of why enforcement may or may not have been initiated. The Monroe County Department of Health and Department of Community Affairs may proceed with enforcement as necessary and appropriate.

Comment [b31]: Added for clarity.

Comment [b32]: Date changed at the request of Islamorada. Changed in all rules. The last sentence was deleted based on comments from DOH/DEP at the 1/26/11 meeting.

(c) Wastewater Project Implementation.

1. Sub area 1: Knight's Key.

- a. By July 1, 2011, Marathon shall secure plant site; ~~and~~
- b. By December 1, 2011, Marathon shall construct Knight's Key Wastewater Plant; ~~and~~
- c. By May 1, 2012, Marathon shall initiate connections; and
- d. By July 1, 2012, Marathon shall complete connections (100%).

Comment [b33]: Removal of "and" is a technical changed, made by DCA's clerk .

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

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

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

- a. By July 1, 2011, Marathon shall complete construction of plant; ~~and~~
- b. By July 1, 2011, Marathon shall complete construction of collection system; ~~and~~
- c. By July 1, 2011, Marathon shall initiate connections; and
- d. By July 1, 2012, Marathon shall complete connections (100%).

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

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

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

- a. By July 1, 2012, Marathon shall complete construction of collection system; ~~and~~
- b. By July 1, 2012, Marathon shall initiate connections for Phase II; and
- c. By July 1, 2013, Marathon shall complete connections (100%) for Phase II.

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

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

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

- a. By July 1, 2012, Marathon shall complete construction of plant; ~~and~~
- b. By July 1, 2012, Marathon shall bid and award design of collection system; ~~and~~
- c. By July 1, 2012, Marathon shall construction of collection system; ~~and~~
- d. By July 1, 2012, Marathon shall initiate connections; and
- e. By July 1, 2013, Marathon shall complete connections (100%).

(d) Stormwater Treatment Facilities.

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

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

Comment [b34]: Correcting a typo.

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

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

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

6. By July 1, 2012, Marathon shall eliminate direct outfall retrofits for: 27th Street, Sombrero Islands, 24th Street, and 52nd Street.
Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History—New_____.

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 50, December 17, 2010, issue of the Florida Administrative Weekly.

28-19.300 Work Program Administration.

~~(1) Pursuant to Section 380.0552(4) paragraph (b) F.S., the Department of Community Affairs shall submit a written annual report to the Administration Commission on November 30, 2011 and each year thereafter, until such time as the designation is removed, describing the progress of the Florida Keys Area toward accomplishing remaining tasks under the work program (as set out in Rules 28-20.110 and Rule 28-19.310, F.A.C.), the fulfillment of the legislative intent and providing a recommendation as to whether progress toward accomplishing the tasks of the work program has been achieved.~~

Comment [b35]: Removed based on JAPC comments.

~~(2) The Department of Community Affairs shall recommend to the Administration Commission the removal of designation when the removal of designation criteria of s. 380.0552(4), F.S., is achieved.~~

Comment [b36]: Removed based on JAPC comments.

~~(3) For tasks related to water quality in the work program, the Department of Community Affairs shall request assistance from appropriate federal, state, regional, and local agencies to contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the Village in completing the task. Each agency shall prepare a section to be included in the Department's reports which indicates the agency's actions relative to the work program. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role to allocate funding or provide staff to monitor nearshore waters, as necessary, for nutrient reduction. Rulemaking Authority 380.0552(9), 380.05(22), FS. Law Implemented 380.0552, FS. History — New~~

Comment [b37]: Removed based on JAPC comments.

28-19.310 Comprehensive Plan.

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

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

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

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

Comment [b38]: Removed at the request of Islamorada. Islamorada is not a signatory of the agreement referred to in the rule.

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

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

Comment [b39]: "at least" removed at the request of Islamorada. The Department agreed that this could be interpreted to mean that the AC could reduce allocation s in an amount greater than 20%.

Comment [b40]: Monroe requested the removal, citing inconsistency with State statute. Deleted from Islamorada so that the rules would be consistent with one another.

~~(e) Through the Permit Allocation Systems, Islamorada shall direct new growth and redevelopment to areas connected to or that will be connected to a central sewer system that has committed funding, a construction permit from the Department of Environmental Protection and is physically under construction. Prior to the ranking and~~

Comment [b41]: Moved to "Reporting and Oversight" based on JAPC comment; reworded to clarify committed funding.

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

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

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

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

(3) Policy 2-1.2.10 Hurricane Modeling

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

(4) Reporting and Oversight

(a) Through the Permit Allocation Systems, Islamorada shall direct new growth and redevelopment to areas served by or that would be served a central sewer system by December 2015, that has committed funding or planned funding sources. Committed or planned funding is funding that is financially feasible and reflected in a Capital Improvements Element approved by the Department of Community Affairs. Prior to the ranking and approval of awards for an allocation authorizing development of new principal structures, the Village of Islamorada shall coordinate with the central wastewater facility provider and shall increase an applicant's score by two points for parcels served by a collection line within a central wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of s. 381.0065(4)(1) and s. 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a construction permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

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

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

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

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

(a) Carrying Capacity Implementation.

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

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

3. By July 1, ~~2012~~ 2011, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding. Islamorada and the Department of Community Affairs shall

Comment [b42]: Moved to "Reporting and Oversight" based on JAPC comments.

Comment [b43]: Moved to "Reporting and Oversight" based on JAPC comments.

Comment [b44]: Moved to "Reporting and Oversight" based on JAPC comments.

Comment [b45]: Hurricane category language changed based on updated terminology used.

Comment [b46]: Title added based on JAPC comments.

Comment [b47]: Relocated based on JAPC comments.

Comment [b48]: Relocated based on JAPC comments.

Comment [b49]: Relocated based on JAPC comments.

Comment [b50]: Relocated based on JAPC comments.

Comment [b51]: Deleted based on JAPC comments.

Comment [b52]: Dates changed in items 2. through 6. Based on input from Monroe and Islamorada that indicated the ability to get an MOU noticed and on the agenda of the 6 local governments' legislative bodies by July 2011 was not feasible.

Comment [b53]: Deleting Islamorada and adding Monroe corrected a typo.

update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Business and Economic Research, and other studies). Islamorada shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.

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

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

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

(b) Wastewater Implementation.

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

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

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

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

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

4-6. By July 1, 2011 and by July 1 of each year thereafter, Islamorada shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.

5-7. By July 1, 2011, Islamorada shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.

6-8. By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under s. 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.

7-9. By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall develop a mechanism to provide accurate and timely information and establish Islamorada's annual funding allocations necessary to provide unmet funding needs to support the issuance of bonds authorized under s. 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.

8-10. By ~~December 1, 2013~~ July 1, 2011 and each July 1 thereafter, Islamorada shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection and the Department of Community Affairs. This report shall describe the status of Islamorada's enforcement action and provide the circumstances of why enforcement may or may not have been

Comment [b54]: Date changed based on request from Islamorada and in consideration of their Design/Build/Operate/Finance proposal.

Comment [b55]: 3. & 5 rewritten and deleted at the request of the local government. Monroe and Islamorada requested the changed based on their position that the statute (381.0065(3)(h) and (4)(l)) assigns the enforcement authority with DOH.

Comment [b56]: Deleted based on JAPC comment.

Comment [b57]: See comment b21.

Comment [b58]: Language added at the request of Monroe County to add clarity – changed in all rules for consistency.

Comment [b59]: Date changed at the request of Islamorada. Changed in all rules. The last sentence was deleted based on comments from DOH/DEP at the 1/26/11 meeting.

Comment [b60]: Added for clarity.

initiated. The Monroe County Department of Health and Department of Community Affairs may proceed with enforcement as necessary and appropriate.

(c) Wastewater Project Implementation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Environmental Protection Agency Decentralized Sewer Project.

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

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

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

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

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

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

3. Plantation Key Wastewater Treatment Facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Lower Matecumbe Wastewater Treatment Facility.

Comment [b61]: Implementation dates changed based on input from Islamorada and their plan to carry forward with a Design/Build/Operate/Finance plan rather than multiple treatment plants.

Comment [b62]: Added at the request of DEP since this is the lynch pin for the Design/Build/Operate/Finance project's feasibility.

Comment [b63]: Remaining implementation plan/dates deleted based on input from Islamorada and their plan to carry forward with a Design/Build/Operate/Finance plan rather than multiple treatment plants.

- a. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for design of the Lower Matecumbe wastewater treatment plant; and
 - b. By July 1, 2011, Islamorada shall award contract for design of Lower Matecumbe wastewater treatment plant; and
 - c. By July 1, 2011, Islamorada shall initiate Lower Matecumbe wastewater treatment plant design; and
 - d. By July 1, 2012, Islamorada shall finalize design of Lower Matecumbe wastewater treatment plant; and
 - e. By July 1, 2012, Islamorada shall secure site for Lower Matecumbe wastewater treatment plant; and
 - f. By July 1, 2012, Islamorada shall advertise for proposals for construction of Lower Matecumbe wastewater treatment plant; and
 - g. By July 1, 2012, Islamorada shall award construction contract for Lower Matecumbe wastewater treatment plant; and
 - h. By July 1, 2012, Islamorada shall design Lower Matecumbe collection system; and
 - i. By July 1, 2012, Islamorada shall advertise for proposals for construction of Lower Matecumbe wastewater treatment plant; and
 - j. By July 1, 2012, Islamorada shall award Lower Matecumbe collection system construction contract; and
 - k. By July 1, 2012, Islamorada shall complete construction of Lower Matecumbe wastewater treatment plant; and
 - l. By July 1, 2013, Islamorada shall construct Lower Matecumbe collection system; and
 - m. By July 1, 2013, Islamorada shall initiate connections to Lower Matecumbe treatment facility; and
 - n. By July 1, 2014, Islamorada shall complete connections (100%) to Lower Matecumbe treatment facility.
5. Upper Matecumbe Wastewater Treatment Facility.
- a. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for design of Upper Matecumbe wastewater treatment plant; and
 - b. By July 1, 2011, Islamorada shall award contract for design of Upper Matecumbe wastewater treatment plant; and
 - c. By July 1, 2011, Islamorada shall initiate Upper Matecumbe wastewater treatment plant design; and
 - d. By July 1, 2012, Islamorada shall finalize design of Upper Matecumbe wastewater treatment plant; and
 - e. By July 1, 2012, Islamorada shall secure site for Upper Matecumbe wastewater treatment plant; and
 - f. By July 1, 2012, Islamorada shall advertise for proposals for construction of Upper Matecumbe wastewater treatment plant; and
 - g. By July 1, 2012, Islamorada shall award construction contract for the Upper Matecumbe wastewater treatment plant; and
 - h. By July 1, 2013, Islamorada shall complete construction of the Upper Matecumbe wastewater treatment plant; and
 - i. By July 1, 2012, Islamorada shall design the Upper Matecumbe collection system; and
 - j. By July 1, 2012, Islamorada shall advertise for proposals for the construction of the Upper Matecumbe collection system; and
 - k. By July 1, 2012, Islamorada shall award the Upper Matecumbe collection system construction contract; and
 - l. By July 1, 2013, Islamorada shall initiate connections to the Upper Matecumbe treatment facility; and
 - m. By July 1, 2014, Islamorada shall complete connections (100%) to the Upper Matecumbe treatment facility.
6. Windley Wastewater Treatment Facility.
- a. By July 1, 2011, Islamorada shall advertise request for proposal to obtain engineering services for design of the Windley wastewater treatment plant; and
 - b. By July 1, 2011, Islamorada shall award contract for design of the Windley wastewater treatment plant; and
 - c. By July 1, 2011, Islamorada shall initiate the Windley wastewater treatment plant design; and
 - d. By July 1, 2012, Islamorada shall complete design of the Windley wastewater treatment plant; and
 - e. By July 1, 2012, Islamorada shall advertise for proposals for construction of the Windley wastewater treatment plant; and
 - f. By July 1, 2012, Islamorada shall award construction contract for the Windley wastewater treatment plant; and
 - g. By July 1, 2013, Islamorada shall complete construction of the Windley wastewater treatment plant; and
 - h. By July 1, 2013, Islamorada shall design the Windley collection system; and
 - i. By July 1, 2013, Islamorada shall advertise request for proposals for the construction of the the Windley collection system; and
 - j. By July 1, 2013, Islamorada shall award the Windley collection system construction contract; and
 - k. By July 1, 2013, Islamorada shall construct the Windley collection system; and

~~l. By July 1, 2013, Islamorada shall initiate connections to the Windley treatment facility; and
m. By July 1, 2013, Islamorada shall complete 50% connections to the Windley treatment facility; and
n. By July 1, 2014, Islamorada shall Complete connections (100%) to the Windley treatment facility.~~
Rulemaking Authority 380.0552(9), 380.05(22), FS. Law Implemented 380.0552, FS. History — New
