

## Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:           RULE TITLE:  
6A-10.0315       College Preparatory Testing, Placement, and Instruction

**PURPOSE AND EFFECT:** The purpose of this rule development is to address revisions to Section 1008.30, Florida Statutes, as required by the passing of Senate Bill 1720 (effective July 1, 2013). The provisions of the bill include the requirement that the State Board of Education establish test scores a student must achieve to demonstrate readiness to perform college-level work and also specify the criteria by which a student is exempted from common placement testing and developmental education.

**SUBJECT AREA TO BE ADDRESSED:** Common Placement Testing and Developmental Education.

**RULEMAKING AUTHORITY:** 1008.30(1), (3), (4) FS.

**LAW IMPLEMENTED:** 1008.30 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** July 30, 2013, 10:00 a.m. – 11:30 a.m.

**PLACE:** Turlington Building, Department of Education, 325 West Gaines Street, Room 1532E, Tallahassee, FL 32399

The workshop will also be available by conference call and webinar. Details for accessing the conference call line and webinar may be requested in writing by e-mailing Julie Alexander at julie.alexander@fldoe.org.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9523, Julie.Alexander@fldoe.org. To submit a comment on this rule development, go to: <https://app1.fldoe.org/rules/default.aspx>

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6A-10.0315 Common Placement ~~College Preparatory Testing, Placement, and Instruction.~~

(1) The purpose of this rule is to establish the test scores a student must achieve to demonstrate readiness to perform college-level work. A student who demonstrates readiness by achieving or exceeding the test scores established by the state

board and enrolls in a Florida College System institution within 2 years after achieving such scores shall not be required to retest or complete developmental education at a Florida College System institution. A student admitted to a Florida College System institution whose score on the common placement test indicates a need for developmental education must be advised of all the developmental education options offered at the institution and, after advisement, shall be allowed to enroll in the developmental education option of his or her choice.

(a) A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United States Armed Services shall not be required to take the common placement test and shall not be required to enroll in developmental education instruction in a Florida College System institution. However, a student who is not required to take the common placement test and is not required to enroll in developmental education under this paragraph may opt to be assessed and to enroll in developmental education instruction, and the college shall provide such assessment and instruction upon the student’s request.

(b)(4) With the exception of students who meet the criteria for an exemption from common placement testing and developmental education instruction identified in subsection (1) of this rule ~~For admissions~~, first-time-in-college degree seeking students and students who have not met college level competency either through the completion of developmental education requirements in the Florida College System or have not been awarded credit for college level coursework in the area of deficiency shall be tested for reading, writing, and mathematics proficiency prior to the completion of initial registration, using the Florida Postsecondary Education Readiness Test (P.E.R.T.). “Developmental education requirements” are the courses required when a student does not meet the college ready cut score. It is also referred to as remediation or preparatory instruction. Students earning scores less than those listed below shall enroll in developmental education ~~college preparatory~~ communication and computation instruction in the area of the deficiency:

	Standard Score
(i) Reading	104
(ii) Writing	99
(ii) Mathematics	113

(c)(2)(a) Students who achieve scores on either the ~~College Board’s Accuplacer or SAT I or the American College Testing Program’s Enhanced ACT test that meet or~~

exceed the scores shown below, and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Florida Postsecondary Education Readiness Test:

	Standard Score
Accuplacer, The College Board	
Reading Comprehension	83
Writing Skills	83
Elementary Algebra	72
SAT-I, The College Board	
Verbal	440
Mathematics	440
Enhanced ACT, American College Testing Program	
Reading	18
English	17
Mathematics	19

~~(d)(b)~~ A score of 262 on Grade 10 Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Reading demonstrates readiness for college-level coursework for the purposes of dual enrollment eligibility in reading and writing. Students who achieve such a score and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the reading and writing subtests of the Florida Postsecondary Education Readiness Test pursuant to subsection (1) above.

~~(2)(3)~~ School districts must administer the Florida Postsecondary Education Readiness Test or an approved alternative identified in paragraph ~~(1)(2)(c)(a)~~ of this rule to high school students who meet the criteria established in Section 1008.30(3), F.S., except those students who have passed an alternative assessment as described in paragraph ~~(1)(2)(c)(a)~~ of this rule. High school students are exempt from payment for tests administered pursuant to Section 1008.30(3), F.S. Students who do not meet or exceed the scores established in subsection (1) ~~and paragraph (2)(a)~~ of this rule must complete postsecondary preparatory instruction prior to high school graduation. ~~Students who complete the postsecondary preparatory instruction required in Section 1008.30(3), F.S., will have completed an alternative remediation opportunity. Completion of alternative remediation in high school does not satisfy the requirement for demonstrating college readiness or completing college preparatory instruction. A student will be required to retest after alternative remediation and meet or exceed the scores established in subsection (1) or (2) of this rule to avoid required enrollment in college preparatory communication and computation instruction in accordance with subsection (1) of this rule.~~

~~(3)(4)~~ Nothing provided in subsection (1) of this rule shall be construed to prevent the enrollment of a student in developmental education college preparatory instruction.

~~(4)(5)~~ Students whose first language is not English may be placed in college preparatory instruction prior to the testing required herein, if such instruction is otherwise demonstrated as being necessary. Such students shall not be exempted from the testing required herein.

~~(5)(6)~~ Institutions affected by this rule shall accept the highest test scores on any of the tests or combination of tests identified in subsections (1) ~~and (2)~~ of this rule. Individual student scores shall be valid for two (2) years. Institutions shall accept P.E.R.T. scores on the public high school transcript as an official record of scores.

~~(6)(7)~~ Student P.E.R.T. records and test scores are confidential education records under Section 1002.221, F.S. Institutions are required to comply with Section 1002.221, F.S., in maintaining confidentiality of these records.

~~(8)~~ ~~Prior to administering a retest, the test administrator must require documentation from the student that verifies alternative remediation has occurred since the prior attempt. Alternative remediation opportunities shall be identified, defined and included in a written Florida College System institution policy.~~

~~(9)~~ ~~During their first term, full time students who are registered for at least twelve (12) credits, shall begin competency based preparatory instruction based on the placement test results. Part time students shall enroll prior to completing twelve (12) credits.~~

~~(10)~~ ~~Students shall not enroll for more than three (3) attempts in each course to complete college preparatory instruction. Students who withdraw from a course under major extenuating circumstances may be granted an exception. Such exceptions require approval under guidelines established by the Florida College System institution the board of trustees.~~

~~(7)(44)~~ The Commissioner shall report to the State Board of Education each year the results of the common placement testing.

Rulemaking Authority 1001.02(6), 1008.30(3) FS. Law Implemented 1001.02, 1008.30 FS. History—New 7-15-84, Amended 6-6-85, Formerly 6A-10.315, Amended 5-17-88, 7-25-91, 10-18-94, 8-28-95, 6-25-96, 3-28-00, 2-12-12, 8-21-12, 6-27-13, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:           RULE TITLE:

40C-3.035           Agreements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to incorporate by reference the amended water well permitting delegation agreement between St. Johns River Water Management District and the Florida Department of Health in Orange County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would incorporate by reference the District’s water well permitting delegation agreement with the Florida Department

of Health in Orange County allowing for local regulation of the construction, repair, and abandonment of water wells less than six inches in diameter, unless these wells are in a Chapter 62-524, F.A.C., delineated area or part of a closed-loop geothermal system.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.109, 373.308, 373.309 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: July 29, 2013, 10:30 a.m.

PLACE: St. Johns River Water Management District’s Maitland Service Center, 601 South Lake Destiny Road, Suite 200, Maitland, Florida 32256

Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

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: Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4217 or sbertram@sjrwmd.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026 or [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (16) No change.

(17) An agreement between Florida Department of Health in Orange County and St. Johns River Water Management District entitled Water Well Permitting Delegation Agreement dated (effective date) available at [insert hyperlink from DOS].

(18)(17) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.109, 373.308, 373.309 FS. History–New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01, 6-25-02, 7-25-02, 1-11-06, 5-18-06, 5-24-07, 5-20-08, 1-5-12,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.: RULE TITLE:

64J-2.006 Trauma Registry

PURPOSE AND EFFECT: To incorporate by reference a new edition of the Florida Trauma Registry Manual.

SUBJECT AREA TO BE ADDRESSED: Florida Trauma Registry Manual.

RULEMAKING AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.401, 395.4025, 395.404 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: Janet Collins at (850)245-4440, ext. 2775, via email at [Janet\\_Collins@doh.state.fl.us](mailto:Janet_Collins@doh.state.fl.us), or Fax (850)414-6470

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64J-2.006 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual and Data Dictionary, January 2014, February 2008, which is incorporated by reference and available from the department, as defined by subsection 64J-2.001(4), F.A.C., or at\_\_\_\_\_.

PROPOSED EFFECTIVE DATE: January 1, 2014

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:

65C-22.009 Gold Seal Quality Care Program

**PURPOSE AND EFFECT:** Chapter 2010-210, s.7, Laws of Florida, amended section 402.281(2), Florida Statutes, to require the department to adopt rules that establish Gold Seal Quality Care accreditation standards for child care facilities. Chapter 2010-210, s. 7, Laws of Florida, also amended Section 402.281(5), Florida Statutes, to require the department to adopt rules for approving accrediting associations for participation in the Gold Seal Quality Care Program.

**SUBJECT AREA TO BE ADDRESSED:** The subject area addressed in this rule development is Gold Seal Quality Care Programs.

**RULEMAKING AUTHORITY:** 402.281 FS.

**LAW IMPLEMENTED:** Chapter 2010-210, s.7, Laws of Florida.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATES AND TIMES:**

- Public Workshop 1: July 25, 2013, 1:00 p.m. – 3:00 p.m.,
- Public Workshop 2: August 6, 2013, 9:00 a.m. – 11:00 a.m.
- Public Workshop 3: August 7, 2013, 9:00 a.m. – 11:00 a.m.
- Public Workshop 4: August 8, 2013, 9:00 a.m. – 11:00 a.m.

**PLACES:** Public Workshop 1:

Florida State College at Jacksonville (Downtown Campus), 101 West State Street, Room A1068 Large Auditorium, Jacksonville, Florida 32202

Public Workshop 2:

Palm Beach County Health Department, 800 Clematis Street, Auditorium 1st Floor, West Palm Beach, Florida 33401

Public Workshop 3:

Joseph P. D'Alessandro Office Complex, 2295 Victory Avenue, Room 123/124, Fort Myers, Florida 33901

Public Workshop 4: Webinar/teleconference

Visit the department website for login information: [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

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: Dinah Davis, Child Care Regulation Program, 1317 Winewood Boulevard, Building 6, Room 387, Tallahassee, Florida 32399-.0700 or call (850)488-4900. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dinah Davis, Child Care Regulation Program, 1317 Winewood Boulevard, Building 6, Room 387, Tallahassee, Florida 32399-.0700 or call (850)488-4900

The draft rule language may also be downloaded via the department's website: [www.myflorida.com/childcare](http://www.myflorida.com/childcare)

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

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## Section II Proposed Rules

### **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

#### **Division of Standards**

RULE NOS.:	RULE TITLES:
5F-6.001	Performance Specifications and Standards for Motor Vehicle Brake Fluid
5F-6.002	Registration
5F-6.003	Guidelines for Imposing Administrative Penalties

**PURPOSE AND EFFECT:** Update the adopted version of the US Department of Transportation Motor Vehicle Safety Standards, No. 116, Motor Vehicle Brake Fluid specifications and include references to obtain copies; create a rule section to reflect current versions of referenced department forms; create a rule section to further define and clarify registration requirements for brake fluid products; create a rule section to define recent statutory changes regarding penalties for violations of Chapter 526, Part II, F.S., and Rule Chapter 5F-6, F.A.C.

**SUMMARY:** The changes proposed herein update standards and specifications; further clarify statutory requirements already in existence; or add requisite form references.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. Additionally, no interested party submitted additional information regarding the economic impact.

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: 526.52(1), 526.53(4), 570.07(23) FS.

LAW IMPLEMENTED: 526.51, 526.53, 526.53, 526.54, 526.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Lab #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, ~~2011~~ 2003, as specified in 49 CFR 571.116, are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, F.S.

(3) Materials. The preceding materials are hereby incorporated by reference. Copies of this publication may be obtained from Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington D.C. 20590 or <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=571.116>. Copies of this document may also be accessed at <http://www.flrules.org/Gateway/reference>.

(4) In accordance with s. 526, Part II, F.S., any brake fluid brand/formula distributed in violation of Sections 526.50 – 526.56, F.S., or this rule chapter shall be placed under stop sale order by the department using FDACS-03206, Stop Sale Order, Rev. 12/12, and FDACS-03537, “Warning” tag, Rev. 08/12, prohibiting the sale of the brake fluid brand/formula combination. Upon resolution of the violation, the brake fluid shall be released by the department. The documents referenced in this subsection are incorporated by reference in Rule 5F-2.001, F.A.C.

Rulemaking Specific Authority 526.52(1), 526.53(4), 570.07(23) FS. Law Implemented 526.53(1), (2), 526.54 FS. History—New 5-8-78, Formerly 5F-6.01, Amended 12-9-98, 12-9-02, 6-21-04, \_\_\_\_\_.

#### 5F-6.002 Registration.

(1) Each brake fluid brand/formula combination to be distributed in this state shall be registered annually with the department prior to distribution and registrant shall make application on FDACS-03212, Application for Registration of Brake Fluid or Formula Addition to a Currently Registered Brand, Rev. 10/12, hereby incorporated by reference, if not being renewed under the provisions of subsection (2) of this rule. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference>. Application shall be made by the owner of the brand name or, pursuant to Section 526.51(1)(a), F.S., by an applicant providing an affidavit from the brand name owner authorizing applicant to make application for registration. Upon successful registration, pursuant to Chapter 526, Part II, F.S., and this rule chapter, the department shall permit the brake fluid brand/formula combination authorizing the distribution of the specified brake fluid brand/formula combination in this state for the permit year.

(2) In order to be considered as a renewal and in addition to the requirements listed in Section 526.51, F.S., any brake fluid brand/formula combination previously registered for distribution in this state in the permit year immediately preceding the current permit year for which application is being made, must have all associated application materials submitted to the department by the applicant prior to July 1 of the upcoming permit year for which applicant is seeking registration. Application for renewal shall be made on FDACS-03213, Application for Renewal of Registration of Brake Fluid, Rev. 10/12, hereby incorporated by reference. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference>. If any one or more components of the application package and/or associated registration elements are received after July 1, a late fee of \$25 shall be applied to the renewal fee. Upon successful renewal of registration, pursuant to Chapter 526, Part II, F.S., and this rule chapter, the department shall permit the renewed brake fluid brand/formula combination authorizing the distribution of the specified brake fluid brand/formula combination in this state for the permit year.

(3) Any unregistered brand of brake fluid that was registered in the immediately preceding registration period and has not been or is not currently in the process of being renewed shall be disposed of by the registrant within 90 days

of registration expiration. Disposal shall be the responsibility of the registrant and in a manner as prescribed below. If the product has been placed under stop sale order by the department, it must be released by the department prior to the execution of any disposal method.

(a) Removal of all unregistered brake fluid product from this state, not to be distributed again in this state until successful registration has been completed, or;

(b) Donation of product to a non-profit organization for consumption so long as all donated product meets all specifications for quality, adulteration, and labeling for brake fluid products, as prescribed in Section 526.53, F.S., and this rule chapter, or;

(c) Other means approved in writing by the department. Rulemaking Authority 526.53(4), 570.07(23) FS. Law Implemented 526.51, 526.52, 526.53 FS. History—New \_\_\_\_\_.

#### 5F-6.003 Guidelines for Imposing Administrative Penalties.

(1) This rule sets forth the guidelines the department will follow in imposing the penalties authorized under Chapter 526, Part II, F.S. The purpose of the guidelines is to give notice of the range of penalties, which normally will be imposed for a single violation within a three-year period. The three-year period shall be based on the date of issuance of the stop sale order. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$1,000 per violation for a first-time offender or \$5,000 per violation for second-time or subsequent offender, or for a willful and intentional violation. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The department will enforce compliance with Chapter 526, Part II, F.S., and this rule chapter by issuing a stop sale order and administrative complaint, if applicable, for violations of Chapter 526, Part II, F.S., and this rule chapter.

(3) Nothing in this chapter shall limit the ability of the department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(4) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to encompass all possible violations of statute or department rule that might be committed by any person. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not

listed in this rule chapter, the penalty will be determined by consideration of:

(a) The closest analogous violation, if any, that is listed in this rule; and

(b) The mitigating or aggravating factors listed in this rule.

(5) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of Chapter 526, Part II, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

#### (a) Aggravating Factors:

1. The violation caused or has the potential to cause harm to a person or property and the degree or extent of such harm.

2. The violation endangered the public safety or welfare.

3. Previous violations for the same or a similar offense that resulted in enforcement action.

4. The length of time the business has been in operation and the violation history over the past three years.

5. The violation existed for an extended period of time.

6. The violation was repeated within a short period of time.

7. The violator impeded, or otherwise failed to cooperate with, the department's inspection and/or investigation.

8. Previous disciplinary action against the violator in this or any other jurisdiction and the deterrent effect of the penalty imposed.

9. Undue delay in initiating or completing, or failure to take, affirmative or corrective action after receipt of the stop sale order for the violation.

10. Whether the violation resulted from negligence or an intentional act.

11. The cost of enforcement action.

12. The number of other violations proven in the same proceeding.

13. The benefit to the violator.

#### (b) Mitigating Factors:

1. Any documented efforts by the violator at rehabilitation.

2. Whether intentional actions of another party prevented the violator from complying with the applicable laws or rules.

3. Financial hardship.

4. Acts of God or nature that impaired the ability of the violator to comply with Chapter 526, Part II, F.S., or Rule Chapter 5F-6, F.A.C.

5. The violation has a low risk of, or did not result in, harm to the public health, safety, or welfare.

6. The violator expeditiously took affirmative or corrective action after it received written notification of the violation, including costs incurred by the violator for

rectifying any damage or harm to consumers vehicles and/or property.

7. The number and seriousness of the counts in the administrative complaint.

8. The disciplinary history of the violator.

9. If a repeat violation, whether three years has passed since the prior violation.

10. A statement, in writing, provided to the department during an investigation declaring acceptance of responsibility for a violation.

(6) The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil action or criminal prosecution that may be brought.

(7) In addition to the penalties established in this rule, the department reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the department reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and costs resulting from a payment that is returned for insufficient funds to the department.

(8) Penalties.

(a) Minor Violations. A violation of Chapter 526, Part II, F.S., or this rule chapter is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Minor violations shall result in the issuance of a stop sale order. If a third stop sale order for a minor violation is issued to a business within a three year period and in accordance with Section 526.55, F.S., a \$500 penalty shall be issued. An additional penalty of \$500 shall be issued for each stop sale order issued for independent events thereafter. For the purposes of this rule, the following violations shall be considered minor violations:

1. Violations of Section 526.52(3)(a), F.S. .

2. Violations of Section 526.52(3)(b), F.S.

3. Violations of Section 526.53(5), F.S.

(b) Major Violations. Any violation of Chapter 526, Part II, F.S., or this rule chapter that results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. Major violations shall result in the issuance of a stop sale order and imposition of an administrative fine of \$500 per violation for first-time offenders of Chapter 526, Part II, F.S., and/or Rule Chapter 5F-6, F.A.C. within a three-year period. An additional \$500 shall be issued for each subsequent violation thereafter within a three-year period, not to exceed the statutory maximum of \$5,000 per violation for second-time or repeat offenders of Chapter 526, Part II, F.S. and/or Rule Chapter 5F-6, F.A.C. Aggravating factors, as defined in paragraph (5)(a) of this section, shall warrant the adjustment

of the fine upward and mitigating factors, as defined in paragraph (5)(b) of this section, shall warrant the adjustment of the fine downward, but no fine shall exceed the statutory maxima as outlined in Section 526.55, F.S. If, three years after the day of issuance of the last stop sale order for a violation under this rule, no new violation has occurred pertaining to the specific brand/formula combination of brake fluid, all previous fines shall be disregarded when administering a fine for the next violation. Pursuant to Section 526.51, F.S., the department may also cancel or refuse to issue a registration for a major violation. For the purposes of this rule, the following violations shall be considered major violations:

1. Violations of subsection 5F-6.001(1), F.A.C.

2. Violations of subsection 5F-6.002(1), F.A.C. If a complete registration package has been received by the department within 30 calendar days from the date of the stop sale order, the fine shall be mitigated to a warning letter for a first time violation by a registrant if said registrant has never registered applicable products in this state prior. Subsequent violations by same registrant for any brand/formula combination within a three-year period shall not be mitigated under these provisions.

3. Violations of subsection 5F-6.002(3), F.A.C.

4. Violations of Section 526.52(3)(c), F.S.

(c) Willful Violations. Willful violations shall result in the imposition of an administrative fine of up to \$5,000 per violation, suspension of registration for a period of one year, and/or additional penalties as prescribed by law. The following shall constitute a willful violation:

1. Any willful and intentional violation of Chapter 526, Part II, F.S., or this rule chapter or of any requirement or standard adopted pursuant thereto, not otherwise included in this section.

2. Any willful and intentional violation of a stop sale order or the conditions stipulated on a release.

3. A failure to comply with either a Final Order or a Default Final Order of the department.

(9) Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(a) The department and person(s) charged with a violation may agree to resolve violations prior to an administrative hearing or enter into settlement pursuant to Section 120.57(4), F.S. The penalties addressed in this rule chapter shall not be construed to limit the authority of the department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The department shall utilize all available remedies to ensure compliance including administrative action, civil actions, settlements, and referrals for criminal prosecution. The department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided

in the agreement and as authorized by Chapter 120 or Chapter 526, Part II, F.S.

(b) Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The department may impose administrative fines in a Default Final Order equal to the maximum amount possible, not to exceed \$5,000 per violation.

(c) A failure to comply with either a Final Order or a Default Final Order of the department shall result in any applicable registration revocation and an administrative fine of \$5,000 per violation. Additional penalties shall be sought through the enforcement of the order in circuit court.

Rulemaking Authority 526.53(4), 570.07(23) FS. Law Implemented 526.55 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Matthew D. Curran, Ph.D., Chief, Bureau of Standards  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 19, 2013

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.:	RULE TITLES:
5F-10.001	Standards
5F-10.0015	Registration
5F-10.003	Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: Rename the chapter title; update ASTM International specifications for recycled and non-recycled antifreeze products; add quality specifications provisions allowing for specialty applications, such as mini-bike racing, that do not permit the use of coolants with contents of 50 percent or more glycol and as a result, do not meet the freezing point minimum requirements for glycol-based coolants containing 50% or more glycol; define dilution procedures used during testing; adopt quality specifications for coolant products made from 1,3-Propanediol (a different engine coolant base material than in conventional glycol-based products); adopt quality specifications for coolant products made from Glycerin (a different engine coolant base material than in conventional glycol-based products) designed for light duty applications; adopt quality specifications for coolant products containing low silicate levels designed for heavy duty applications; adopt quality specifications for coolant products designed for heavy duty applications; adopt quality

specifications for coolant products made from 1,3-Propanediol (a different engine coolant base material than in conventional glycol-based products) designed for heavy duty applications; adopt quality specifications for coolant products made from Glycerin (a different engine coolant base material than in conventional glycol-based products) designed for heavy duty applications; define the term ‘motor vehicle’ to clarify this rule chapter does not only apply to engines with coolant systems operating on roads or highways; reference where readers may obtain and/or view a copy of the specifications adopted in this rule; reference all forms used in the stoppage of sale of substandard antifreeze products and subsequent release of said products after proper remedy; further clarify procedures for the registration of antifreeze products intended for distribution in this state. In addition, reference forms used for the application for and granting of registration of said products; and establish a penalty structure consistent with others established within the department.

SUMMARY: The changes proposed herein update adopted ASTM International specifications for recycled and non-recycled antifreeze products; add quality specification provisions allowing for specialty applications, such as mini-bike racing, that do not permit the use of coolants with contents of 50 percent or more glycol and as a result, do not meet the freezing point minimum requirements for glycol-based coolants containing 50% or more glycol; define dilution procedures used during testing; adopt quality specifications for coolant products made from 1,3-Propanediol (a different engine coolant base material than in conventional glycol-based products); adopt quality specifications for coolant products containing low silicate levels designed for heavy duty applications; adopt quality specifications for coolant products designed for heavy duty applications; adopt quality specifications for coolant products made from 1,3-Propanediol (a different engine coolant base material than in conventional glycol-based products) designed for heavy duty applications; adopt quality specifications for coolant products made from Glycerin (a different engine coolant base material than in conventional glycol-based products) designed for light duty applications; define the term ‘motor vehicle’ to clarify this rule chapter does not only apply to engines with coolant systems operating on roads or highways; reference where readers may obtain and/or view a copy of the specifications adopted in this Rule; reference all forms used in the stoppage of sale of substandard antifreeze products and subsequent release of said products after proper remedy; further clarify procedures for the registration of antifreeze products intended for distribution in this state; reference forms used for the application for and granting of



registration of said products; and establish a penalty structure consistent with others established within the department.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. Additionally, no interested party submitted additional information regarding the economic impact.

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: 501.921, 570.07(23) FS.

LAW IMPLEMENTED: 501.912, 501.913, 501.919, 501.921, 501.922 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Lab #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 5F-10

ANTIFREEZE SPECIFICATIONS AND STANDARDS

5F-10.001 Standards.

(1) The performance specifications and standards for all non-recycled antifreeze products are hereby incorporated by reference: ASTM International Designation D3306-11—D 3306-05, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light-Duty Light-Duty Service," (approved October 1, 2005), with the following exceptions:

(a) Products, as defined in Section 501.912, F.S., that are specifically designed for applications (according to the manufacturer) that prohibit the use of glycol, or contents of 50 percent or more, in the engine coolant system may have a

freezing point higher (and consequent boiling point lower) than that required by this section, so long as all of the following conditions are met. All other product quality specification listed in this subsection must be met.

1. Proof of the prohibition to use glycol or mixtures containing 50 percent or more in the applicable engine coolant systems must be provided to the department.

2. A statement must be printed on the front label of the bottle in a conspicuous font indicating the maximum freezing point (and minimum boiling point, if affected by the reduction of glycol in the mixture and does not meet the specifications required by this section) of the product and the intended applications for its use.

3. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT MAY NOT BE SUITABLE FOR USE IN THE COOLANT SYSTEM OF EVERY ENGINE. THE FREEZING POINT DOES NOT MEET THE MINIMUM REQUIREMENTS FOR ALL GENERAL AUTOMOTIVE APPLICATIONS. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

4. The words "antifreeze" or the like, as defined in Section 501.912, F.S., may not be used on any label affixed to the bottle if there is less than ten percent glycol present in the product.

(b) All dilutions performed for testing as required by ASTM International designations adopted in this rule shall be performed as follows:

1. Measure the required volume of engine coolant or antirust into a graduated cylinder; Class B or better.

2. Add water of the type to be used for the test to volume, accurately. If the mark is overshot, the dilution must be discarded and the process started again.

3. Mix the contents of the flask by inverting several times, taking care to avoid loss of solution through the stopper. If loss occurs through the stopper, the dilution must be discarded and started again.

4. The test concentration shall be expressed as the ratio of the initial volume of the product to the final volume of the mixture of the product and water, both measured at 20 °C.

(c) 1,3-Propanediol base engine coolants for automobile and light-duty service: the performance specifications and standards for 1,3 Propanediol base engine coolants for automobile and light-duty service are hereby incorporated by reference: ASTM International Designation D7518-10, "Standard Specification for 1,3 Propanediol (PDO) Base Engine Coolant for Automobile and Light-Duty Service." Products intended to meet this specification must be declared

on the application by the registrant upon submission of the application for registration.

1. A statement must be printed on the front label of the bottle in a conspicuous font indicating the product is only for systems compatible with 1,3-Propanediol base engine coolants.

2. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT CONTAINS 1,3-PROPANEDIOL AND MAY NOT BE SUITABLE FOR USE IN THE COOLANT SYSTEM OF EVERY ENGINE. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

(d) Glycerin base engine coolants for automobile and light-duty service: the performance specifications and standards for Glycerin base engine coolants for automobile and light-duty service are hereby incorporated by reference: ASTM International Designation D7714-11, "Standard Specification for Glycerin Base Engine Coolant for Automobile and Light-Duty Service." Products intended to meet this specification must be declared on the application by the registrant upon submission of the application for registration.

1. A statement must be printed on the front label of the bottle in a conspicuous font indicating the product is only for systems compatible with Glycerin base engine coolants.

2. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT CONTAINS GLYCERIN AND MAY NOT BE SUITABLE FOR USE IN THE COOLANT SYSTEM OF EVERY ENGINE. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

(e) Low silicate ethylene glycol base engine coolants for heavy-duty engines: the performance specifications and standards for all low silicate ethylene glycol base engine coolants for heavy-duty applications are hereby incorporated by reference: ASTM International Designation D4985-10, "Standard Specification for Low Silicate Ethylene Glycol Base Engine Coolant for Heavy Duty Engines Requiring a Pre-Charge of Supplemental Coolant Additive (SCA)." Products intended to meet this specification must be declared on the application by the registrant upon submission of the application for registration. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT IS DESIGNED FOR HEAVY-DUTY APPLICATIONS AND MAY NOT BE SUITABLE FOR USE IN THE COOLANT

SYSTEM OF EVERY ENGINE. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

(f) Glycol base engine coolants for heavy-duty engines: the performance specifications and standards for glycol base engine coolants for heavy-duty engines are hereby incorporated by reference: ASTM International Designation D6210-10, "Standard Specification for Fully-Formulated Glycol Base Engine Coolant for Heavy-Duty Engines." Products intended to meet this specification must be declared on the application by the registrant upon submission of the application for registration. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT IS DESIGNED FOR HEAVY-DUTY APPLICATIONS AND MAY NOT BE SUITABLE FOR USE IN THE COOLANT SYSTEM OF EVERY ENGINE. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

(g) 1,3-Propanediol base engine coolants for heavy-duty engines: the performance specifications and standards for 1,3-Propanediol base engine coolants for heavy-duty engines are hereby incorporated by reference: ASTM International Designation D7517-09, "Standard Specification for Fully-Formulated 1,3 Propanediol (PDO) Base Engine Coolant for Heavy-Duty Engines." Products intended to meet this specification must be declared on the application by the registrant upon submission of the application for registration.

1. A statement must be printed on the front label of the bottle in a conspicuous font indicating the product is only for heavy-duty systems compatible with 1,3 propanediol base engine coolants.

2. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT CONTAINS 1,3-PROPANEDIOL AND IS DESIGNED FOR HEAVY-DUTY APPLICATIONS AND MAY NOT BE SUITABLE FOR USE IN THE COOLANT SYSTEM OF EVERY ENGINE. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

(h) Glycerin base engine coolants for heavy-duty engines: the performance specification and standards for Glycerin base engine coolants for heavy-duty engines are hereby incorporated by reference: ASTM International Designation D7715-12, "Standard Specification for Fully-Formulated Glycerin Base Engine Coolant for Heavy-Duty Engines." Products intended to meet this specification must be declared on the application by the registrant upon submission of the application for registration.

1. A statement must be printed on the front label of the bottle in a conspicuous font indicating the product is only for heavy-duty systems compatible with Glycerin base engine coolants.

2. The following statement (or similar definitive equivalent statement as approved by the department) must be printed on the front label or affixed to the front of the bottle in a conspicuous font: THIS PRODUCT CONTAINS GLYCERIN AND IS DESIGNED FOR HEAVY-DUTY APPLICATIONS AND MAY NOT BE SUITABLE FOR USE IN THE COOLANT SYSTEM OF EVERY ENGINE. CONSULT WITH YOUR MECHANIC OR ENGINE OWNER'S MANUAL BEFORE USE.

(2) The performance specifications and standards for all recycled antifreeze products are hereby incorporated by reference: ASTM International Designation D6471-10 ~~D6471-06~~, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light-Duty Light-Duty Service," (approved June 1, 2006) and ASTM International Designation D6472-10 ~~D6472-06~~, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light-Duty Light-Duty Service," (approved May 1, 2006).

(3) The term "motor vehicle" shall mean any device that uses an internal combustion engine as its means of power. This shall include stationary and mobile devices that are used on or off-road. Specifically, this definition is not restricted to passenger or transportation vehicles only. Copies of these documents may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(4) Materials. Copies of the ASTM International designations referenced in this rule may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or at <http://www.astm.org>, and are also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of the preceding materials on the internet for purposes of public examination would violate federal copyright law.

(5) In accordance with Section 501.919, F.S., any lot of antifreeze (including products falling under the exceptions in section 1 of this rule) that fails to meet applicable standards, as adopted in this rule, shall be placed under stop sale order by the department using FDACS-03206, Stop Sale Order, Rev. 12/12, and FDACS-03537, "Warning" tag, Rev. 08/12, prohibiting the sale of the antifreeze. Upon resolution of the violation, the lot of antifreeze shall be released by the department. The documents referenced in this subsection are incorporated by reference in Rule 5F-2.001, F.A.C.

Rulemaking Specific Authority 501.921, 570.07(23) FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02, 12-7-04, 2-5-07, \_\_\_\_\_.

#### 5F-10.0015 Registration.

(1) In accordance with Section 501.913, F.S., each brand of antifreeze to be distributed in this state shall be registered annually with the department prior to distribution and registrant shall make application on FDACS-03211, Application for Registration of Antifreeze, Rev. 10/12, hereby incorporated by reference, no later than July 1 of each year. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference> \_\_\_\_\_.

Application shall be made by the manufacturer, packager, or the person whose name appears on the label.

(a) A "manufacturer" is the company or business entity producing the antifreeze.

(b) A "packager" is the company or business entity that packages the antifreeze in sealed, unbroken packages.

(c) A "person whose name appears on the label" is the name of the company or business printed on the antifreeze package label, front and/or back.

(2) The department shall register a brand of antifreeze authorizing the distribution of the specified antifreeze brand in the state for the specified permit year if the registration requirements are met, pursuant to Section 501.913, F.S., and this rule chapter.

(3) In accordance with Section 501.919, F.S., any brand of antifreeze distributed in this state that fails to meet applicable registration requirements shall be placed under stop sale order by the department using FDACS-03206, Stop Sale Order, Rev. 12/12, and FDACS-03537, "Warning" tag, Rev. 08/12, prohibiting the distribution of the antifreeze brand. Upon resolution of the violation, the lot of antifreeze shall be released by the department. The documents referenced in this subsection are incorporated by reference in Rule 5F-2.001, F.A.C.

(4) In accordance with Section 501.918(1), F.S., any unregistered brand of antifreeze (including cooling products falling under the exceptions in section 1 of this rule) that was registered in the immediately preceding registration period and has not been or is not currently in the process of being renewed shall be disposed of within 90 days of registration expiration. Disposal shall be the responsibility of the registrant and in a manner as prescribed below. If the product has been placed under stop sale order by the department, it must be released by the department prior to the execution of any disposal method.

1. Removal of all such unregistered antifreeze from this state, not to be distributed again in this state unless successful registration has been completed, or;

2. Donation of product to a non-profit organization for consumption so long as all donated product meets all specifications for quality, adulteration, and labeling for antifreeze products, as prescribed in Chapter 501, Part V, F.S., and this rule, or;

3. Other means approved in writing by the department.  
Rulemaking Authority 501.913, 570.07(23) FS. Law Implemented 501.913, 501.918, 501.919 FS. History—New

#### 5F-10.003 Guidelines for Imposing Administrative Penalties.

(1) This rule sets forth the guidelines the department will follow in imposing the penalties authorized under Chapter 501, Part V, F.S.. The purpose of the guidelines is to give notice of the range of penalties, which normally will be imposed for a single violation within a three-year period. The three-year period shall be based on the date of issuance of the stop sale order. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$1,000 per violation for a first-time offender or \$5,000 per violation for second-time or subsequent offender, or for a willful and intentional violation. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The department will enforce compliance with Chapter 501, Part V, F.S., and this rule chapter by issuing a stop sale order and administrative complaint, if applicable, for violations of Chapter 501, Part V, F.S., and this rule chapter.

(3) Nothing in this chapter shall limit the ability of the department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(4) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to encompass all possible violations of statute or department rule that might be committed by any person. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:

1. The closest analogous violation, if any, that is listed in this rule; and

2. The mitigating or aggravating factors listed in this rule.

(5) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of Chapter 501, Part V, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

#### (a) Aggravating Factors:

1. The violation caused or has the potential to cause harm to a person or property and the degree or extent of such harm.

2. The violation endangered the public safety or welfare.

3. Previous violations for the same or a similar offense that resulted in enforcement action.

4. The length of time the business has been in operation and the violation history over the past three years.

5. The violation existed for an extended period of time.

6. The violation was repeated within a short period of time.

7. The violator impeded, or otherwise failed to cooperate with, the department's inspection and/or investigation.

8. Previous disciplinary action against the violator in this or any other jurisdiction and the deterrent effect of the penalty imposed.

9. Undue delay in initiating or completing, or failure to take, affirmative or corrective action after receipt of the stop sale order for the violation.

10. Whether the violation resulted from negligence or an intentional act.

11. The cost of enforcement action.

12. The number of other violations proven in the same proceeding.

13. The benefit to the violator.

#### (b) Mitigating Factors:

1. Any documented efforts by the violator at rehabilitation.

2. Whether intentional actions of another party prevented the violator from complying with the applicable laws or rules.

3. Financial hardship.

4. Acts of God or nature that impaired the ability of the violator to comply with Chapter 501, Part V, Florida Statutes, or Rule Chapter 5F-10, F.A.C.

5. The violation has a low risk of, or did not result in, harm to the public health, safety, or welfare.

6. The violator expeditiously took affirmative or corrective action after it received written notification of the violation, including costs incurred by the violator for rectifying any damage or harm to consumers vehicles and/or property.

7. The number and seriousness of the counts in the administrative complaint.

8. The disciplinary history of the violator.

9. If a repeat violation, whether three years has passed since the prior violation.

10. A statement, in writing, provided to the department during an investigation declaring acceptance of responsibility for a violation.

(6) The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil action or criminal prosecution that may be brought.

(7) In addition to the penalties established in this rule, the department reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the department reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and costs resulting from a payment that is returned for insufficient funds to the department.

(8) Penalties.

(a) Minor Violations. A violation of Chapter 501, Part V, F.S., or this rule chapter is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Minor violations shall result in the issuance of a stop sale order. If a third stop sale order is issued within a three year period and in accordance with Section 525.16(1)(b), F.S., a \$500 penalty shall be issued. An additional penalty of \$500 shall be issued for each stop sale order issued for independent events thereafter. For the purposes of this rule, violations of Section 501.918(5), (6), (7), or (8), F.S., shall be considered minor violations.

(b) Major Violations. Any violation of a Chapter 501, Part V, F.S., or this rule chapter that results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. Major violations shall result in the issuance of a stop sale order and imposition of an administrative fine of \$500 per violation, for first-time offenders of Chapter 501, Part V, F.S., and/or Rule Chapter 5F-10, F.A.C. within a three-year period. An additional \$500, shall be issued for each subsequent violation thereafter, within a three-year period, not to exceed the statutory maximum of \$5,000, per violation, for second-time or repeat offenders of Chapter 501, Part V, F.S., and/or Rule Chapter 5F-10, F.A.C. Aggravating factors, as defined in paragraph (5)(a) of this section, shall warrant the adjustment of the fine upward and mitigating factors, as defined in paragraph (5)(b) of this section, shall warrant the adjustment of the fine downward, but no fine shall exceed the statutory maxima as outlined in Section 501.922(1)(b), F.S. If, three years after the day of issuance of the last stop sale order for a

violation under this rule, no new violation has occurred pertaining to the specific brand of antifreeze, all previous fines shall be disregarded when administering a fine for the next violation. Pursuant to Section 501.922, F.S., the department may also revoke or suspend a registration for a major violation, but not for more than one year. In addition, the department may also revoke or suspend a registration for an unpaid fine and until such time that the fine has been paid. For the purposes of this rule, the following violations shall be considered major violations:

1. Violations of Section 501.916, F.S.

2. Violations of Section 501.918(1), (2), (3), (4) or (9), F.S.

3. Repeat violations of Section 501.918(5), (6), (7) or (8), F.S.

4. Violations of Rule 5F-10.001, F.A.C.

5. Violations of Rule 5F-10.0015, F.A.C. If a complete registration package has been received by the department within 30 calendar days from the date of the stop sale order, the fine shall be mitigated to a warning letter for a first time violation by a registrant and said registrant has never registered applicable products in this state prior. Subsequent violations by same registrant for any brand within a three-year period shall not be mitigated under these provisions.

(c) Willful Violations. Willful violations shall result in the imposition of an administrative fine of up to \$5,000 per violation; suspension of registration for a period of one year; and/or additional penalties as prescribed by law. The following shall constitute a willful violation:

1. Any willful and intentional violation of Chapter 501, Part V, F.S., or this rule chapter or of any requirement or standard adopted pursuant thereto, not otherwise included in this section.

2. Any willful and intentional violation of a stop sale order or the conditions stipulated on a release.

3. A failure to comply with either a Final Order or a Default Final Order of the department.

(9) Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(a) The department and person(s) charged with a violation may agree to resolve violations prior to an administrative hearing or enter into settlement pursuant to Section 120.57(4), F.S. The penalties addressed in this rule chapter shall not be

construed to limit the authority of the department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The department shall utilize all available remedies to ensure compliance including administrative action, civil actions, settlements, and referrals for criminal prosecution. The department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and as authorized by Chapter 120 or Chapter 501, Part V, F.S.

(b) Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The department may impose administrative fines in a Default Final Order equal to the maximum amount possible, not to exceed \$5,000 per violation.

(c) A failure to comply with either a Final Order or a Default Final Order of the department shall result in any applicable registration revocation and an administrative fine of \$5,000 per violation. Additional penalties shall be sought through the enforcement of the order in circuit court.

Rulemaking Authority 501.922, 570.07(23) FS. Law Implemented 501.913, 501.918, 501.919, 501.922 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Matthew D. Curran, Ph.D., Chief, Bureau of Standards  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 19, 2013

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

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.:       RULE TITLE:

64J-2.006       Trauma Registry

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, which amended the title and edition of the Florida Trauma Registry Manual, as noticed in Vol. 39, No. 53, March 18, 2013 issue of the Florida Administrative Register has been withdrawn.

### Section IV Emergency Rules

**NONE**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-4.009 Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Rana Alissa, M.D., on May 2, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of transcripts and documentation directly from Petitioner’s medical school. The Notice was published in Vol. 39, No. 89, of the Florida Administrative Register, on May 7, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Safwan Kassas, M.D., on March 20, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of transcripts and documentation directly from Petitioner’s medical school. The Notice was published in Vol. 39, No. 59, of the Florida Administrative Register, on March 26, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the

Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Cruz Edgardo Pagan, M.D., on March 22, 2013, seeking a waiver from subsection 64B8-4.009(1), F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 39, No. 59, of the Florida Administrative Register, on March 26, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Allister Gibbons, M.D., on March 27, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 39, No. 62, of the Florida Administrative Register, on March 29, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Variance. The Petition for Variance was filed on behalf of Keila Tosado, M.D., on April 1, 2013, seeking a variance from subsection 64B8-4.009(1), F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 39, No. 64, of the Florida Administrative Register, on April 2, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-2.001: Definitions

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by S. Raja Sekharan, M.D., on April 24, 2013, seeking a waiver from Rule 64B8-2.001, F.A.C., with regard to the requirement for the passing score on the FLEX examination. The Notice was published in Vol. 39, No. 82, of the Florida Administrative Register, on April 26, 2013. The Board, at its meeting held on June 7, 2013, voted to deny the Petition for Waiver or Variance finding that the Petitioner failed to demonstrate that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver. The

Petition for Waiver was filed by Jose Santiago, M.D., on April 18, 2013, seeking a waiver from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 39, No. 85, of the Florida Administrative Register, on May 1, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed on behalf of Veronica Velez-Medina, M.D., on March 19, 2013, seeking a waiver from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Volume 39, No. 59, of the Florida Administrative Register, on March 26, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.018: International Medical Graduates; Qualification Requirements

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Gurpaul Brar, M.D., on April 29, 2013, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the requirement for core clerkships. The Notice was published in Vol. 39, No. 85, of the Florida Administrative Register, on

May 1, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.018: International Medical Graduates; Qualification Requirements

The Board of Medicine hereby gives notice: that on June 26, 2013, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Jesse B. Holmes, M.D., on March 26, 2013, seeking a waiver from Rule 64B8-4.018, F.A.C., with regard to the requirement for core clerkships. The Notice was published in Vol. 39, No. 61, of the Florida Administrative Register, on March 28, 2013. The Board, at its meeting held on June 7, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.003: Licensure by Endorsement

NOTICE IS HEREBY GIVEN that on July 8, 2013, the Board of Physical Therapy Practice, received a petition for a variance or waiver of Rule 64B17-3.003, F.A.C., which requires that an applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida.



Comments on this petition should be filed with the Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, at the above address or telephone (850)245-4373, ext. 3480.

**DEPARTMENT OF HEALTH**

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.003: Licensure by Endorsement

NOTICE IS HEREBY GIVEN that on July 8, 2013, the Board of Physical Therapy Practice, received a petition for a variance or waiver of Rule 64B17-3.003, F.A.C., which requires that an applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida.

Comments on this petition should be filed with the Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, at the above address or telephone (850)245-4373, ext. 3480.

**Section VI**

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

**DEPARTMENT OF EDUCATION**

The Florida Rehabilitation Council for the Blind announces a public meeting to which all persons are invited.

DATES AND TIMES: July 25, 2013, 8:30 a.m. – 3:00 p.m.; July 26, 2013, 8:30 a.m. – 12:00 p.m.

PLACE: Hilton Garden Inn, 1144 Airport Boulevard, Pensacola, FL 32504

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting of the Florida Rehab Council for the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, AAIL, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or e-mail: Phyllis.dill@dbs.fldoe.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 10 days before the workshop/meeting by contacting: The local DBS office at (850)595-5282. 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: Phyllis Dill, AAIL, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or e-mail: Phyllis.dill@dbs.fldoe.org.

**DEPARTMENT OF EDUCATION**

The Florida Rehabilitation Council for the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2013, 4:00 p.m. – 5:30 p.m.

PLACE: Hilton Garden Inn, 1144 Airport Boulevard, Pensacola, FL 32504

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

A copy of the agenda may be obtained by contacting: No agenda. Open meeting

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 10 days before the workshop/meeting by contacting: The local Division of Blind Services office, at (850)595-5282. 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: Phyllis Dill, AAIL, The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392, Phyllis.dill@dbs.fldoe.org.

**DEPARTMENT OF LAW ENFORCEMENT**

Criminal Justice Standards and Training Commission

The Region XIV Trust Fund Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: August 1, 2013, 10:00 a.m.

PLACE: Miami Dade College, North Campus, Room 9118.  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Discussion of Region XIV Reports and other Region XIV business matters.  
 A copy of the agenda may be obtained by contacting: Maeviss Pierre, Interim, Region XIV Secretary O., (305)237-1329, email: mpierre6@mdc.edu.

**DEPARTMENT OF TRANSPORTATION**  
 The Commercial Motor Vehicle Review Board announces a public meeting to which all persons are invited.  
**DATE AND TIME:** August 8, 2013, 8:30 a.m.  
**PLACE:** Florida Dept. of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, FL 32399  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.  
 A copy of the agenda may be obtained by contacting: Katherine Becker, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Katherine Becker, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399. 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 ENVIRONMENTAL PROTECTION**  
 The Division of Recreation and Parks, Myakka River Management Coordinating Council announces a public meeting to which all persons are invited.  
**DATE AND TIME:** July 26, 2013, 8:45 a.m. – 12:00 Noon  
**PLACE:** Lemon Bay Park, 570 Bay Park Blvd., Englewood, FL 34223.  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Conduct Council Business for administering the Myakka River as a Wild and Scenic River.  
 A copy of the agenda may be obtained by contacting: Chris Becker, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr., Osprey, FL 34229, or by calling (941)486-2053.

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 hours before the workshop/meeting by contacting: Chris Becker, (941)486-2053. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
**Substance Abuse Program**  
 The Department of Children and Families announces a public meeting to which all persons are invited.  
**DATES AND TIME:** July 25-26, 2013, 10:00 a.m. – 4:00 p.m.  
**PLACE:** 1317 Winewood Blvd., Bldg. 6, Conference Room 350, Tallahassee, FL 32399  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Request for Applications #LHZ01 – Criminal Justice, Mental Health, and Substance Abuse (CJMHS) Reinvestment Grant – Meeting of Grants Review Committee to Complete Review of Grant Applications – to record the scoring and develop a recommendation for grant awards.  
 A copy of the agenda may be obtained by contacting: Michele\_staffieri@dcf.state.fl.us.

**FINANCIAL SERVICES COMMISSION**  
**OIR – Insurance Regulation**  
**RULE NO.: RULE TITLE:**  
 69O-138.001: NAIC Financial Condition Examiners Handbook Adopted  
 The Office of Insurance Regulation announces a hearing to which all persons are invited.  
**DATE AND TIME:** August 6, 2013, 9:00 a.m., during a regular meeting of the Financial Services Commission  
**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-138.001, Florida Administrative Code, published on June 27, 2013 in Vol. 39, No. 125, of the Florida Administrative Register.  
 A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-137.001: Annual and Quarterly Reporting Requirements

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

DATE AND TIME: August 6, 2013, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-137.001, Florida Administrative Code, published on June 27, 2013 in Vol. 39, No. 125, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kerry Krantz, Office of Insurance Regulation, email Kerry.Krantz@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-149.022: Forms Adopted

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

DATE AND TIME: August 6, 2013, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-149.022, Florida Administrative Code, published on June 27, 2013 in Vol. 39, No. 125, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Karen Kees, Office of Insurance Regulation, E-mail Karen.Kees@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Kees, Office of Insurance Regulation, E-mail Karen.Kees@flor.com.

FLORIDA INDEPENDENT LIVING COUNCIL

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, July 29, 2013, 1:00 p.m.

MEETING: Personnel Policy Taskforce.

PLACE: (888)670-3525, code 5073148497; FILC Administration Office, 1416 N. Adams Street, Tallahassee, Florida 32303.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and Task Force Meetings: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303 (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

REGION XII TRAINING COUNCIL

The Region XII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: August 22, 2013, 8:45 a.m.

PLACE: Clayton Hutchison Agricultural Center, Exhibit Hall "A", 559 Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The agenda will include but is not limited to F.D.L.E./C.J.S.T.C. updates: Palm Beach State College/Criminal Justice Institute Assessment Center Updates; Region XII budget approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola at (561)868-3403.

GRIMAIL CRAWFORD, INC.

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

DATE AND TIME: July 18, 2013, 5:00 p.m. – 6:00 p.m. CDT

PLACE: Cokesbury Church, 5725 North Ninth Avenue, Pensacola, FL 32504

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT) invites you to attend an informal public hearing concerning proposed intersection improvements to State Road (S.R.) 742 (Creighton Road) at S.R. 289 (9th Avenue) and S.R. 296 (Bayou Boulevard) at 12th Avenue in Escambia County. The purpose of the meeting is to afford interested persons an opportunity to express their views concerning the project. The meeting will be conducted in an open house format, a formal presentation is scheduled. FDOT representatives will be available to discuss the project, answer questions, and receive comments.

A copy of the agenda may be obtained by contacting: The department's General Consultant Project Manager, Howard Hodge, P.E., 1369 South Railroad Avenue, Suite D, Chipley, Florida, 32428, (850)638-3363 or via email at hhodge@panhandlegroup.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 7 days before the workshop/meeting by contacting: Howard Hodge at the information listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VI  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from the Petitioner, Bottle Club LLC d/b/a EYZ WIDE SHUT II ("EYZ WIDE SHUT") DS-2013-051 on June 28, 2013. The petition seeks the agency's opinion as to the applicability of the Petitioner's circumstances as to how Florida Statutes 561 and 562 apply to operating a bottle club and 4-COP operating as an adjacent business that are connected via door as it applies to the petitioner.

The Petitioner is substantially affected by the particular circumstances of its proposed declaratory statement because there is still ambiguity concerning how to operate with an adjacent bottle club and comply with any applicable laws and other regulation at the same time.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy Cottrell, Joy.Cottrell@myfloridalicense.com, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1010.

Please refer all comments to: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1010.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

NOTICE IS HEREBY GIVEN that on June 27, 2013, the Board of Podiatric Medicine has received the petition for declaratory statement from Eugene A. Fox, DPM. The petition seeks the agency's opinion as to the applicability of Section 461.003(5), F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 461.003(5), F.S., regarding whether petitioner can treat patients using a Pinpointe laser for the treatment of fungal fingernails.

A copy of the Petition for Declaratory Statement may be obtained by contacting: William Miller, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION  
University of North Florida

NOTICE TO CONTRACTORS

ITB 14-04 Pocket Park

The University of North Florida Board of Trustees, a public body corporate, is soliciting bids to general contractors to create a small park at the University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The University of North Florida is seeking bids from qualified general contractors to provide a turnkey solution that includes, but is not limited to, asphalt and concrete demolition, tree removals, pipe, mechanical and electrical work plus other incidental demolition work and material removal. This project includes the construction of a new concrete sidewalk, installation of yard drains and a 12 inch HDPE drainage pipe plus other work elements. See construction documents for full scope of work.

Contractors desiring to be considered must have current demonstrable experience and certifications at the time of bid opening in accordance with the specifications in the ITB 14-04 Pocket Park bid documents.

The preliminary schedule for this ITB:

Advertisement	July 10, 2013
Mandatory Pre-Bid Meeting	July 18, 2013 @ 2:00 p.m.
Deadline for questions	July 24, 2013
Response to questions	July 29, 2013
Bids due	August 1, 2013 @ 2:00 p.m.

Minority business participation is strongly recommended and supported by the University of North Florida.

A performance and payment bond for 100 percent of the amount of the bid will be required of the successful contractor for any project with a cost that exceeds \$100,000.

As required by Section 287.133, Fla. Stat., a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Contractor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither contractor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

Full sets of bidding documents and descriptive project information may be obtained online at the UNF Purchasing department website: [http://www.unf.edu/anf/purchasing/Bids\\_and\\_Notices.aspx](http://www.unf.edu/anf/purchasing/Bids_and_Notices.aspx).

Submit two complete copies of your bid response in full accordance with the requirements of the bid document to:

University of North Florida Purchasing Department  
 Hicks Hall, Suite 2950  
 1 UNF Drive  
 Jacksonville, Florida 32224

Sealed bids must be received no later than 2:00 p.m. Eastern Standard Time on August 1, 2013. Facsimile (fax) or email submittals are not acceptable and will not be considered.

DEPARTMENT OF CORRECTIONS  
 NEW AIR-COOLED CHILLER INSTALLATION AT  
 HOMESTEAD CORRECTIONAL INSTITUTION  
 SECTION A

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED MECHANICAL CONTRACTORS (experienced in CHILLER PLANT SYSTEMS & CONTROLS) BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE INSTALLATION OF:

PROJECT NO: 73-702

PROJECT NAME & LOCATION: NEW AIR-COOLED CHILLER INSTALLATION AT HOMESTEAD CORRECTIONAL INSTITUTION, 19000 S.W. 377<sup>th</sup> STREET, FLORIDA CITY, FLORIDA 33034-6409. CHILLERS WILL BE PROVIDED BY THE DEPARTMENT.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification, must submit prequalification data of their eligibility to submit proposals as soon as possible. Bidders must receive confirmation of their prequalification five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contact Ms. Sandra Rogers, (850)717-3664 for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: July 31, 2013, 2:00 p.m. Eastern Time.

PLACE: Pinnacle Engineering Group, P.A., 3303 Thomasville Road, Suite 202, Tallahassee, FL 32308.

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing (800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Pinnacle Engineering Group, P.A., 3303 Thomasville Road, Suite 202, Tallahassee, FL 32308, Telephone (850)422-1763, FAX: (850)422-1502.

Drawings and specifications may be purchased for a Non-refundable price of \$150.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on July 16, 2013, at 10:00 a.m., Eastern Time at the Homestead Correctional Institution's Administration Building, Conference Room. A brief walk-through of the work area(s) will be available as part of the pre-bid conference. Bidders must call Michael Richel at least four (4) days prior to the date of the site visit and furnish them with the following information on all attendees: Full names, social security number, date of birth, driver's license number, and state of issuance. Persons present as attendees must be the same individuals noted on the written

list (no changes or additions may be made). Attendees present at the Pre-Bid conference must have a valid Driver's License or a valid Photo ID; and must sign in and out at Homestead CI's Administrative Office. For security reasons, any person present for admission to a site visit, not on the written list, will be denied access.

Michael Richel, (941)628-4116, e-mail: richel.michael@mail.dc.state.fl.us, 14000 N.W. 41<sup>st</sup> Street, Doral, FL 33178-3003

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

HILLSBOROUGH COUNTY AVIATION AUTHORITY  
 HCAA RFQ 13-411-021 Program Management Consultant  
 HILLSBOROUGH COUNTY AVIATION AUTHORITY  
 (AUTHORITY)

Request for Qualifications  
 Solicitation Number 13-411-021

Sealed qualifications for the Program Management Consultant will be received from Consulting firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administrative Building, Second Level, Red Side, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampairport.com, Airport Business, Active Solicitations on Wednesday, July 10, 2013 by 5:00 p.m.

**Section XII**  
**Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles  
 Campus Scooter, for the establishment of TAOI line-make motorcycles

Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of Less  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Taotao USA, Inc., intends to allow the establishment of Campus Scooter, as a dealership for the sale of motorcycles manufactured by Zhejiang Taotao Industry, Co., Ltd. (line-make TAOI, WMI L9N) at 3219 Southwest 40th Boulevard, #D, Gainesville, (Alachua County), Florida 32608, on or after August 9, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Campus Scooter are dealer operator(s): David Haslam, 3219 Southwest 40th Boulevard, # D, Gainesville, Florida 32608-2397, principal investor(s): David Haslam, 3219 Southwest 40th Boulevard, # D, Gainesville, Florida 32608-2397.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jennifer Wallace, Taotao USA, Inc., 2425 Camp Avenue, # 100, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles  
 WITHDRAWAL of Campus Scooter, for TAOI line-make  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Campus Scooters, for establishment of motorcycles manufactured by Zhejiang Taotao Industry, Co., Ltd. (line-make TAOI, WMI L9N) is hereby withdrawn as a franchise dealership in Alachua County) by the department due to error in the publication, published in Volume 39, Number 130, of the Florida Administrative Register on July 5, 2013.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

Notice of Litigation

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on July 2, 2013, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed

below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY,  
 APPLICANT, PARTY REQUEST  
 HEARING (PRH)
- 10180 Denial, to establish a 14 bed comprehensive medical rehabilitation unit, Polk County, Haines City HMA, LLC d/b/a Heart of Florida Regional Medical Center, (PRH) same as applicant
  - 10182 Denial, to establish a 7 bed comprehensive medical rehabilitation unit, Highlands County, Sebring Hospital Management Associates, LLC d/b/a Highlands Regional Medical Center, (PRH) same as applicant
  - 10183 Denial, to establish a 15 bed comprehensive medical rehabilitation unit, Brevard County, Rockledge HMA, LLC d/b/a Wuesthoff Medical Center-Rockledge, (PRH) same as applicant
  - 10185 Denial, to establish an (80) eighty bed acute care hospital, Lee County, Lee Memorial Health System, (PRH) same as applicant
  - 10185 Supports denial, to establish an (80) eighty bed acute care hospital, Lee County, Lee Memorial Health System, (PRH) Naples Community Hospital, Inc. d/b/a NCH North Naples Hospital Campus
  - 10186 Denial, to establish a 15 bed comprehensive medical rehabilitation unit, Charlotte County, Punta Gorda, LLC d/b/a Charlotte Regional Medical Center, (PRH) same as applicant
  - 10187 Denial, to establish a 17 bed comprehensive medical rehabilitation unit, Collier County, Naples HMA, LLC d/b/a Physicians Regional Medical Center-Collier, (PRH) same as applicant
  - 10188 Denial, to establish a 22 bed comprehensive medical rehabilitation unit, Sarasota County, Venice HMA, LLC d/b/a Venice Regional Medical Center, (PRH) same as applicant

DEPARTMENT OF FINANCIAL SERVICES  
 Division of Rehabilitation and Liquidation  
 NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH DEPAWIX HEALTH RESOURCES, INC.; GREEN CROSS MANAGED HEALTH SYSTEMS; PECK & PECK, INC.; NEW AMERICAN HEALTH PLANNING, INC.; and DISTRIBUTION BY DATAGEN  
 IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
 CASE NO.: 2011-CA-1091

In Re: The Receivership of DEPAWIX HEALTH RESOURCES, INC.; GREEN CROSS MANAGED HEALTH SYSTEMS; PECK & PECK, INC.; NEW AMERICAN HEALTH PLANNING, INC.; and DISTRIBUTION BY DATAGEN, companies de facto domiciled in Florida.  
 NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH DEPAWIX HEALTH RESOURCES, INC.; GREEN CROSS MANAGED HEALTH SYSTEMS; PECK & PECK, INC.; NEW AMERICAN HEALTH PLANNING, INC.; and DISTRIBUTION BY DATAGEN.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 11th day of June, 2013, the Department of Financial Services of the State of Florida was appointed as Receiver of DEPAWIX HEALTH RESOURCES, INC., GREEN CROSS MANAGED HEALTH SYSTEMS; PECK & PECK, INC.; NEW AMERICAN HEALTH PLANNING, INC.; and DISTRIBUTION BY DATAGEN, and was ordered to liquidate the assets of said companies.

Policyholders, claimants, creditors, and other persons having claims against the assets of DEPAWIX HEALTH RESOURCES, INC.; GREEN CROSS MANAGED HEALTH SYSTEMS; PECK & PECK, INC.; NEW AMERICAN HEALTH PLANNING, INC.; and DISTRIBUTION BY DATAGEN shall present such claims to the Receiver on or before 11:59:59 p.m., Wednesday, June 11, 2014, 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 DEPAWIX HEALTH RESOURCES, INC.; GREEN CROSS MANAGED HEALTH SYSTEMS; PECK & PECK, INC.; NEW AMERICAN HEALTH PLANNING, INC.; and DISTRIBUTION BY DATAGEN, 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 FINANCIAL SERVICES  
FSC – Financial Institution Regulation  
Financial Institutions  
NOTICE OF FILINGS

Financial Services Commission  
Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel's Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 118
Phone (850)410-9800		101 East Gaines Street,
Fax: (850)410-9548		Tallahassee, Florida 32399-0379
		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 30, 2013):

APPLICATION AND PLAN FOR THE PURCHASE OF  
CERTAIN ASSETS AND  
ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Banco de Sabadell, S.A., acting through its Miami Branch, Miami, Florida  
Selling Entity: Lloyds TSB Bank plc, Miami, Florida  
Received: July 5, 2013

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Section XIII  
Index to Rules Filed During Preceding  
Week

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

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