

Section I  
Notice of Development of Proposed Rules  
and Negotiated Rulemaking

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: RULE TITLE:

69K-14.010 Meetings

PURPOSE AND EFFECT: This rule implements Section 286.0114(4), F.S., in setting forth the policies and procedures of the Board of Funeral, Cemetery, and Consumer Services, regarding opportunity of the public to be heard at Board meetings.

SUBJECT AREA TO BE ADDRESSED: Opportunity of the public to be heard at meetings of the Board of Funeral, Cemetery, and Consumer Services.

RULEMAKING AUTHORITY: 497.103; 286.0114 FS.

LAW IMPLEMENTED: 286.0114 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: November 11, 2013, 9:30 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

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: LaTonya Bryant-Parker at (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: RULE TITLE:

69K-20.001 Report of Cases Embalmed or Bodies Handled

PURPOSE AND EFFECT: This rulemaking is to satisfy MANDATORY rulemaking required by section 497.382, as amended by the legislature in the 2013 session. This rule prescribes procedures for use by funeral establishments, direct disposal establishments, cinerator facilities, and centralized embalming facilities, in preparing and retaining the monthly reports of bodies embalmed and/or handled that are required by section 497.382.

SUBJECT AREA TO BE ADDRESSED: Preparing and retaining the monthly reports of bodies embalmed and/or handled that are required by Section 497.382, F.S.

RULEMAKING AUTHORITY: 497.103(5); 497.382 FS.

LAW IMPLEMENTED: 497.382 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: November 11, 2013, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

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: LaTonya Bryant-Parker at (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## Section II Proposed Rules

**DEPARTMENT OF CORRECTIONS**

RULE NO.:       RULE TITLE:

33-602.101      Care of Inmates

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to explicitly disallow the wearing of body piercings and explain the removal process of body piercings if the inmate is unable to remove the body piercing himself.

**SUMMARY:** To disallow inmates from wearing body piercings and to explain the removal process.

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

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

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

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

**RULEMAKING AUTHORITY:** 944.09, 945.215 FS.

**LAW IMPLEMENTED:** 944.09, 945.215 FS.

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

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

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

33-602.101 Care of Inmates.

(1) through (12) No change.

(13) Inmates are not authorized to have any body piercings.

Any body piercing observed by staff – including those found during strip search – shall be removed by the inmate and disposed of in accordance with Rule 33-602.201, F.A.C.

(a) Inmates who have body piercings that cannot be removed without medical intervention shall be escorted to medical to have the piercing removed.

(b) If the piercing cannot be immediately removed by medical staff, the inmate will be placed in Administrative Confinement in accordance with Rule 33-602.220, F.A.C., pending medical review and subsequent removal of the body piercing.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History–New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11, 2-6-12, 5-27-12, 3-3-13, 10-14-13,\_\_\_\_\_.

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

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Michael D. Crews, Secretary

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 18, 2013

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 9, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NOS.:       RULE TITLES:

61G3-16.007      Examination for Restricted Licensure

61G3-16.008      Manner of Application

**PURPOSE AND EFFECT:** For Rule 61G3-16.007, F.A.C., the Board proposes the rule amendment to eliminate provisions that are no longer necessary or redundant. For Rule 61G3-16.008, F.A.C., the Board proposes the rule amendment to eliminate requirements that are no longer necessary.

**SUMMARY:** Provisions that are no longer necessary or redundant for Rule 61G3-16.007, F.A.C., will be eliminated. Requirements that are no longer necessary will be eliminated for Rule 61G3-16.008, F.A.C.

**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: During discussion of the economic impact of the proposed rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.217, 455.2228, 476.064(4), 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217, 455.2228, 476.134, 476.144 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.007 Examination for Restricted Licensure.

~~(1) The examination for restricted licensure to practice barbering shall consist of a written exam. Applicants for a restricted license to practice barbering must achieve a passing grade on the examination to be eligible for a restricted license to practice barbering.~~

~~(1)(2) No change.~~

~~(2)(3) No change.~~

Rulemaking Authority 455.217, 476.064(4), 476.134, 476.144 FS. Law Implemented 455.217, 476.134, 476.144 FS. History—New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02, 4-26-04, 8-1-05, 5-13-10,\_\_\_\_\_.

61G3-16.008 Manner of Application.

(1) Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

~~(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training as defined in Chapter 476, F.S.~~

~~(2) Qualified outside testing vendor shall notify applicants of their eligibility for a written examination within five (5)~~

~~working days after receipt of Board notification of the applicant's eligibility.~~

~~(2)(3) No change.~~

Rulemaking Authority 476.064(4) ~~455.2228~~ FS. Law Implemented ~~455.217(1)(b), 455.213(1), 476.114~~ ~~455.2228~~ FS. History—New 11-12-87, Formerly 21C-16.008, Amended 8-11-98, 11-12-00, 2-11-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 7, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-20.002  
 RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to eliminate an unnecessary procedure.

SUMMARY: Language will be eliminated regarding an outside testing vendor and the payment of fees.

**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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.213(1), 455.2171, 476.064(4), 476.192 FS.

LAW IMPLEMENTED: 455.2171, 476.192 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) through (2) No change.

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) through (b) No change.

~~(c) In the event that a qualified outside testing vendor is not used for examination or reexamination, all fees shall be paid to the Department.~~

Rulemaking Authority 455.213(1), 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History—New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04, 1-1-06, 2-11-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 7, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NOS.:	RULE TITLES:
61G3-25.004	Inactive Status; Reactivation
61G3-25.005	Delinquent Status
61G3-25.006	Notice to the Department of Mailing Address and Place of Practice of Licensee

PURPOSE AND EFFECT: For Rule 61G3-25.004, F.A.C., the Board proposes the rule amendment to clarify requirements regarding inactive status and reactivation. For Rule 61G3-25.005, F.A.C., to clarify language regarding the failure of any licensee to elect active or inactive status of his/her license. For

Rule 61G3-25.006, F.A.C., to require the licensee to provide the Department an e-mailing address and notify the Department of a change of place of practice within 90 days.

SUMMARY: Requirements regarding changing an inactive license to an active one have been eliminated, regarding the failure of any licensee to elect active or inactive status of his/her license have changed regarding email address and place of business have changed.

**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: During discussion of the economic impact of the proposed rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.271, 455.275, 476.064(4), 476.155(2) FS.

LAW IMPLEMENTED: 455.271, 455.275 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-25.004 Inactive Status; Reactivation.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee pays the reactivation fee, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. ~~However, a licensee whose license~~

~~has been in inactive status for more than two consecutive biennial licensure cycles shall be required to submit a statement providing that the licensee has read within the last thirty (30) days and is familiar with the laws and rules for the practice of barbering in the State of Florida before the licensee can be placed into active status.~~

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

~~(3)(4) No change.~~

~~Rulemaking Specific Authority 476.064(4), 476.155(2), 455.271 FS. Law Implemented 455.271 FS. History–New 5-17-95, Amended \_\_\_\_\_.~~

61G3-25.005 Delinquent Status.

~~(1) The failure of any licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.~~

~~(1)(2) No change.~~

~~(2)(3) The delinquent status licensee who applies for active or inactive status shall:~~

~~(a) through (b) No change.~~

~~Rulemaking Specific Authority 476.064(4), 455.271 FS. Law Implemented 455.271 FS. History–New 5-17-95, Amended \_\_\_\_\_.~~

61G3-25.006 Notice to the Department of Mailing and E-Mailing Address and Place of Practice of Licensee.

(1) It shall be the duty of each licensee to provide written notification to the Department of the licensee’s current mailing and e-mailing addresses and place of practice. For purposes of this rule, “place of practice” means the address of the physical location where the licensee practices barbering. “Current mailing address” shall mean the address at which the United States Postal Service delivers mail to the licensee.

(2) Any time that the current mailing or e-mailing address or place of practice of any licensee changes, written notification of the change shall be provided to the Department within ninety (90) days of the change. Written notice should be sent to the following address: Florida Barbers’ Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

(3) It shall be a violation of this rule for a licensee to fail to notify the Department within ninety (90) days of a change of mailing or e-mailing address or place of practice. ~~It shall not be a violation of this rule to fail to advise the department of a change of one’s place of practice within ninety (90) days.~~

~~Rulemaking Specific Authority 476.064(4), 455.275 FS. Law Implemented 455.275 FS. History–New 7-11-95, Amended \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barbers’ Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers’ Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 7, 2013

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Strategic Business Development**

RULE NOS.: 73A-2.003  
RULE TITLES: Certification for the Retention of Major League Baseball Spring Training Baseball Franchises

73A-2.004  
Decertification and Decertification Review for the Retention of Major League Baseball Spring Training Baseball Franchises

PURPOSE AND EFFECT: These Rules are mandated pursuant to Section 288.11631, Florida Statutes, which became effective July 1, 2013. The Department of Economic Opportunity is mandated to adopt rules in order to implement the certification, decertification, and decertification review process required by the statute. The Rules provide guidance to applicant’s by providing necessary timelines and processes when applying for state funding under the statute.

SUMMARY: These Rules explain the certification, decertification, certification review process, and decertification review process, as required by the statute. The Rules provide guidance to applicant’s by providing necessary timelines and processes when applying for state funding under the statute.

**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 agency has performed a review of the statutory requirements and has determined that its proposed Rules 73A-2.003 and 73A-2.004, have no adverse impact or regulatory costs which exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The rules are therefore expected be able to take effect without the need of being ratified by the Legislature.

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: 288.11631(6) FS.

LAW IMPLEMENTED: 288.11621 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: Katherine Morrison, (850)717-8973

THE FULL TEXT OF THE PROPOSED RULE IS:

73A-2.003 Certification for the Retention of Major League Baseball Spring Training Baseball Franchises.

(1) The application period for those applying for certification to receive funding for the construction or renovation of a Major League Baseball spring training baseball facility under Section 288.11631(2), F.S shall begin upon notice published by the Department in the Florida Administrative Register.

(2) The original, and seven copies, of any information submitted pursuant to subsection (1) of this rule must be submitted to the Florida Sports Foundation at the following address in order for an applicant to be considered for certification:

Florida Sports Foundation  
Attention: President  
2930 Kerry Forest Parkway, Suite 100  
Tallahassee, Florida 32309  
Phone: (850)488-8347  
Fax: (850)922-0482

(3)(a) Each applicant's submitted information will be evaluated and no applicant will receive certification until the Department is able to verify, and the applicant is able to meet, the requirements set forth in Section 288.11631(2), F.S. Applicants must provide assistance to the Department and to the Florida Sports Foundation when verification is necessary.

(b) The Department may use, but is not limited to, the following methods of verifying the information submitted by an applicant:

1. Request more detailed information or explanation from the applicant in writing.
2. Examine all methods of the calculation used by an applicant.
3. Meet and/or discuss concerns with an applicant or its designated authority.

(4) Upon the Florida Sports Foundation's receipt of the information required pursuant to subsection (1) of this rule, it will evaluate the submitted information and make a

recommendation to the Department of whether an agreement should be entered into with the applicant as required by Section 288.11631(2)(c), F.S.

(5) No later than 30 days after the close of the application period, the Florida Sports Foundation shall complete its evaluation and forward the submitted information, along with its recommendation, to the Department.

(6) No later than 30 days after receipt of the Florida Sports Foundation's recommendation, the Department will evaluate the Applicant's submitted information. Following the Department's review, it will notify the applicant as to the status of its request for certification.

(7) If an applicant's request for certification is approved by the Department, the applicant will be notified that it is now a certified applicant and shall enter into an agreement as required by Section 288.11631(2)(c), F.S.

Rulemaking Authority 288.11631(6) FS. Law Implemented 288.11631(2) FS. History--New \_\_\_\_\_.

73A-2.004 Decertification and Decertification Review for the Retention of Major League Baseball Spring Training Baseball Franchises.

(1) In addition to the provisions set forth in Section 288.11631(5), Florida Statutes, a certified applicant may request that the Department decertify them by sending a written request to the Department at the following address:

Division of Strategic Business Development  
Florida Department of Economic Opportunity  
107 East Madison Street, Mail Station 80  
Caldwell Building  
Tallahassee, Florida 32399-4120

(2) When the Department determines that it must decertify a certified applicant, it shall mail the certified applicant a notice of the Department's intent to decertify its certified applicant status.

(3) If a certified applicant petitions the Department for decertification review pursuant to Section 288.11631(5), F.S., the petition must be provided in writing to the address provided in subsection (1) of this rule. A petition must include the specific findings of fact which refute the Department's enumerated findings provided in the intent to decertify and must contain all supporting documentation.

(4) Upon receipt of the petition for decertification review, the Department shall conduct a review of the certified applicant's challenge; the Florida Sports Foundation may provide a recommendation to the Department concerning decertification.

(5) The Department may decertify a certified applicant if the certified applicant fails to comply with the terms of the agreement entered into with the Department.

(6) The Department may request the Auditor General to perform an audit, per Section 288.1163(7), F.S., if the Department becomes aware that a certified applicant is using funds provided under this section for purposes other than those specified in Section 288.1163(3), F.S.

(7) The outcome of the Department’s review is subject to review under Chapter 120, F.S.

Rulemaking Authority 288.11631(6) FS. Law Implemented 288.11631 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Katherine Morrison  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jesse Panuccio  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2013

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE NOS.:	RULE TITLES:
5B-54.001	Definitions
5B-54.010	Registration with the Department
5B-54.0105	Location of Managed Honey Bee Colonies
5B-54.011	Apiary Inspection Procedures
5B-54.014	Issuance of Compliance Agreements and Certificates
5B-54.015	Special Inspection to Meet Requirements of Other States and for Export to Foreign Countries
5B-54.016	Interim Detention of Honey Bees and Equipment
5B-54.017	Destruction or Treatment of Infested or Infected Colonies
5B-54.0175	Irradiation of Beekeeping Equipment
5B-54.018	Compensation for Infested or Infected Colonies
5B-54.019	Procedures for Abandoned Apiaries

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 125, June 27, 2013 issue of the Florida Administrative Register.

Note: A portion of the below Summary of SERC and Legislative Ratification was inadvertently omitted in the publication of the Notice of Proposed Rule:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule 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. As part of this analysis, the Department relied upon past experiences with honeybee colony activities and rules of this nature. Additionally, no interested party submitted additional information regarding the economic impact.

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

5B-54.001 Definitions.

(1) For the purpose of this chapter, the definitions in Section 586.02, F.S., and the following definitions shall apply:

(a) Authorized Representative. Any designated employee, inspector, or collaborator of the department or the United States Department of Agriculture.

(b) Certificate of Inspection. An official document stipulating compliance with the requirements of this chapter. The term certificate may include label, rubber stamp imprint, tag permit, written statement, or any form of inspection and certification document which accompanies the movement of inspected and certified honey\_bees, honey\_bee equipment or other regulated articles.

(c) Certificate of Registration. An official document issued by the department to honey bee colony owners as evidence of being properly registered with the department in compliance with the requirements of this chapter.

(d) Division Director. The director of the Division of Plant Industry.

(e) Honey bee: means all species of the western honeybee (*Apis mellifera*). Managed colonies in the state of Florida are those that have European sub-species of *Apis mellifera* contained therein.

~~(f)~~ (e) USDA. United States Department of Agriculture, Animal and Plant Health Inspection Services, Plant Protection and Quarantine.

(2) The purpose of this chapter is to identify and declare as nuisances those honey bee pests and unwanted races of honey bees which are known to science and considered to seriously threaten Florida’s beekeeping industry. It is also the purpose of this chapter to provide guidelines for registering beekeepers and the placement of honey bee colonies, conducting inspection, control, eradication, and regulatory action to prevent the establishment of honey bee pests and unwanted races of honey bees, to provide early detection of any new pests, and to prevent or control their distribution within the state if infestation occurs.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.02, 586.11 FS. History—New 11-22-88, Amended 6-20-00,\_\_\_\_\_.

5B-54.002 Purpose.

No change.

Rulemaking Authority 586.10(2)(a) FS. Law Implemented 586.025, 586.045, 586.10(3)(b),(3)(c), 586.112 FS. History—New 11-22-88, Amended 11-4-92,\_\_\_\_\_.

5B-54.010 Registration with the Department.

Each beekeeper having honey\_bee colonies within the state must register with the department utilizing the following procedures:

(1) No change.

(2) Applicant’s honey bees shall have been inspected by an authorized representative of the department within a 12-month period preceding the date of application and found to be apparently free from honey\_bee pests listed under Rule 5B-54.003, F.A.C., and unwanted races of honey\_bees listed under Rule 5B-54.004, F.A.C., and to be reasonably free from common honey\_bee pests.

(3) By signing the application the beekeeper agrees to comply with appropriate rules of the department. Each Application for Beekeeping Registration (FDACS 08176, revised 07 04/13), must be accompanied by the proper registration fee based on the total number of colonies operated by the registrant as follows:

Number of Colonies	Fee
1 – 5	\$10
6 – 40	\$20
41 – 200	\$40
201 – 500	\$70
501 <del>±</del> <del>2000</del>	\$100

(4) through (7) No change.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.045, 586.10(3)(f) ~~(9)~~, ~~(3)(i) (12)~~, 586.15 FS. History—New 11-22-88, Amended 11-4-92, 6-20-00, 3-11-04,\_\_\_\_\_.

5B-54.0105 Location of Managed Honey ~~B~~bee Colonies.

(1) Managed European honey bee colonies may be located on either:

(a) Land classified as agricultural under Section 193.461, Florida Statutes, provided they are compliant with the provisions of Chapter 586, Florida Statutes, and all rules promulgated thereunder; or

(b) Land considered to be integral to a beekeeping operation other than agriculture provided the beekeeper signs a Beekeeper Compliance Agreement – Best Management Requirements for Maintaining European Honey ~~B~~bee Colonies (FDACS 08492, revised 09 04/13).

(2) The Beekeeper Compliance Agreement – Best Management Requirements for Maintaining European Honey bee Colonies (FDACS-08492, revised 09 04/13) ~~which~~ is hereby incorporated in this rule by reference and a copy may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>. The Beekeeper Compliance Agreement – Best Management Requirements for Maintaining European Honey bee Colonies (FDACS-08492, revised 09 04/13) provides best management requirements for maintaining European Honey bee Colonies on non-agricultural Lands including swarm prevention techniques as explained in Swarm Control for Managed Beehives (UF-IFAS Publication ENY-160, revised November 2012) which is hereby incorporated in this rule by reference and a copy may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>.

(3) Special Permits – The Director of the Division of Plant Industry shall issue a special permit for the placement of managed honey\_bee colonies on lands other than agricultural that do not meet the requirements ~~within~~ of (2) above provided the property is determined to be integral to a beekeeping operation based on the following standards and conditions:

(a) The property owner must submit a written request to the Assistant Chief of the Bureau of Plant and Apiary Inspection that includes a map of the property with the proposed number and location of the managed honey bee colonies;

~~(b) The property owner must submit written, signed statements from all contiguous property owners indicating their approval of having managed honey\_bee colonies present on the proposed permitted property;~~



~~(b)(e)~~ The property owner must submit a written explanation of the justification for a special permit, including measures that will be taken to mitigate any best management requirements that cannot be met and any other special circumstances that are relevant; and

~~(c)(d)~~ Agreement from the Division of Plant Industry Assistant Chief of Apiary Inspection and the Chief of Plant and Apiary Inspection that a special permit is justified and the bee keeping operation will not pose a public nuisance or unacceptable safety concern.

Rulemaking Authority 586.10 FS. Law Implemented 586.045, 586.10(3)(f)(9), (3)(i) (42), 586.15 FS. History–New \_\_\_\_\_.

5B-54.011 Apiary Inspection Procedures.

(1) Each Florida apiary shall be inspected and issued an Apiary Inspection Report (FDACS 08206, Revised ~~09 04~~/13) by an authorized representative of the department at such intervals as the department deems best for the detection of honey\_bee pests listed under Rule 5B-54.003, F.A.C., and unwanted races of honey\_bees under Rule 5B-54.004, F.A.C. Apiary Inspection Report (FDACS 08206, Revised ~~09 04~~/13) is hereby incorporated in this rule by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at [http://www.flrules.org/Gateway/reference\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference_____).

(2) Routine inspection of an apiary shall include actual visual inspection of not less than five (5) percent of the colonies hives included in the apiary. One hundred (100) percent of the colonies hives may be inspected if determined appropriate by the department. A minimum of ten (10) colonies hives shall be inspected in the apiary with all colonies hives inspected in any apiary consisting of less than ten (10) colonies hives.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(3)(a)(4) (3)(f), (9) FS. History–New 11-22-88, Amended 11-4-92, 6-20-00,\_\_\_\_\_.

5B-54.014 Issuance of Certificates.

(1) ~~Certificates of Inspection.~~

~~(a)~~ A Department issued certificate of inspection is required on each sale or movement of honey bees and other regulated articles within the state unless such regulated articles are identified as specified in Rule 5B-54.013, F.A.C. A registered beekeeper shall contact the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 to request the issuance of a Certificate of Apiary Inspection for Out of State and Re-Entry Shipments Into Florida (FDACS 08061, revised 01/13) or Queen Certificate (FDACS 08057, revised 01/13). A sample of the Certificate of Apiary Inspection for Out of State and Re-Entry Shipments Into Florida (FDACS 08061, revised

01/13) may be viewed online at <http://www.flrules.org/Gateway/reference>. A sample of the Queen Certificate (FDACS 08057, revised 01/13) may be viewed online at <http://www.flrules.org/Gateway/reference>.

~~(2)(b)~~ A Department issued Certificate of Apiary Inspection for Out of State and Re-Entry Shipments Into Florida (FDACS 08061, revised 01/13) or Queen Certificate (FDACS 08057, revised 01/13) is required on shipments of honey bees or other regulated articles going from the state showing that certification requirements have been met.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(3)(d)(7), 586.11 FS. History–New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, 8-24-05,\_\_\_\_\_.

5B-54.015 Special Inspection to Meet Requirements of Other States and for Export to Foreign Countries.

Any person may request the department to provide inspection, sampling, and laboratory examination of honey bees and beekeeping equipment for the purpose of determining eligibility to meet special requirements for shipment to other states and for export, under the following procedures:

(1) through (2) No change.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.02(13), 586.03(3) FS. History–New 11-22-88, Amended 11-4-92, 6-20-00, \_\_\_\_\_.

5B-54.016 Interim Detention of Honey ~~B~~ees and Equipment.

Any honey bees and used beekeeping equipment, whether certified or not, may be detained for inspection by the department. If such bees or used beekeeping equipment are found to have been moved or transported into the state or within the state in violation of the rules of the department, or if found infested or infected with any regulated honey\_bee pests or unwanted races of honey bees, such honey\_bees or used beekeeping equipment shall be deported, destroyed or treated by the department within 48 hours upon the order of the department. A Daily Apiary Movement Reporting Form, (FDACS 08201, revised 01/13) is incorporated into this rule by reference and will be used for this purpose and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(3)(a)(4), 586.13 FS. History–New 11-22-88, Amended 6-20-00,\_\_\_\_\_.

5B-54.017 Destruction or Treatment of Infested or Infected Colonies Hives.

(1) American foulbrood. All colonies hives found infested or infested with American foulbrood shall be destroyed by burning or shall be treated using irradiation as decontaminated

~~by other methods prescribed in subsection 5B-54.0175(2) or approved by the department.~~ This action must be accomplished within 30 days of diagnosis and honey\_bee colonies and related equipment must be stored or maintained in such a manner that exposure to other honey\_bees is prevented. All colonies found in the same apiary where American foulbrood is detected shall be quarantined for a minimum of 30 days by issuing a Notice of Quarantine, Stop-Sale And Hold Order For Honey Bee Colonies And Beekeeping Equipment for American Foulbrood to determine apparent freedom from American foulbrood disease. A Notice of Quarantine, Stop-Sale And Hold Order For Honey Bee Colonies s, Hives, And Beekeeping Equipment, (FDACS 08063, Revised 08 04/13) is hereby incorporated in this rule by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference>.

(2) Other honey\_bee pests and unwanted races of honey bees. Discovery of other honeybee pests or unwanted races of honey\_bees in the state shall initiate the quarantine of all colonies located within a distance prescribed by the department of the infested apiary. All honey\_bees within the quarantine area shall be inspected. A recommended eradication or control method shall be determined and prescribed by the department.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(3)(a)(4),(3)(c), 586.13 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, 8-24-05,\_\_\_\_\_.

#### 5B-54.0175 Irradiation of Beekeeping Equipment.

Equipment from colonies found infested with American foulbrood may be irradiated as an alternative to destruction under the conditions below:

(1) All honey bees, honey, and all visible signs of American foulbrood must be removed and destroyed under the direct supervision of the department and must be done in such a manner that exposure to other bees is minimized.

(2) Under the direct supervision of the department, each piece of equipment including frames, supers, tops, bottoms, etc., shall be irradiated at a minimum dose rate of 20KGy and marked verifying treatment at an irradiation facility. It shall be the responsibility of the equipment owner to locate an irradiation facility capable of treatment at the prescribed dose. Rulemaking Authority 586.10(2)(a) FS. Law Implemented 586.10(3)(e)(8), 586.1125, 586.13 FS. History—New 11-4-92, Amended\_\_\_\_\_.

5B-54.018 Compensation for Infested or Infected Colonies.

(1) Florida resident owners of colonies and regulated articles destroyed due to infection or infestation with American foulbrood will be compensated at the rate of 1/2 the estimated value of the honey bees and equipment, provided funding is available for this purpose; however, compensation shall not exceed \$30.00 per colony. Also, compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent. The condition of the equipment to be destroyed shall be rated by the inspector and the beekeeper as good, fair, or poor. Any disagreement over the condition or value of equipment to be destroyed shall be arbitrated by the Chief of Apiary Inspection, the Cooperative Extension Service Apiary Specialist, and the Chairman of the Honey Bee Technical Council. A Compensation Agreement, including the owner's Social Security number, must be signed by the owner. The Compensation Agreement (FDACS 08062, revised 01/13) is hereby incorporated in this rule by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference>.

Additionally, Internal Revenue Services Form W-9 is hereby incorporated by reference and a copy may be obtained online at <http://www.flrules.org/Gateway/reference>.

(2) Other Honey\_bee Pests and Unwanted Races of Honey bees. Owners shall not be awarded compensation for depopulation of colonies due to the presence of honey\_bee pests or unwanted races of honey\_bees in the colonies or their possible subjection to infestation by these organisms, except by special provisions for compensation that may be established by state or federal legislation for damages incurred as a result of control or eradication procedures by the department.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.13, 586.14 FS. History—New 11-22-88, Amended 11-4-92, 6-20-00, 3-11-04,\_\_\_\_\_.

#### 5B-54.019 Procedures for Abandoned Apiaries.

Any apiary found without proper identification or registration information is considered abandoned after which the following will apply:

(1) An inventory of the apiary will be conducted and each hive and piece of equipment tagged with an official department tag indicating the department's label of

abandonment. A Notice of Abandonment, (FDACS-08180, revised 01/13) is hereby incorporated in this rule by reference and ~~shall may~~ be used for this purpose. A local law enforcement agency and the landowner will be informed by written notice of the geographic location of such apiary. A copy of Notice of Abandonment (FDACS 08180, revised 01/13) may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference>.

(2) through (7) No change.

(8) The department, upon finding an abandoned apiary with colonies or equipment infested with a regulated honey bee pest and so exposing infestation to other apiaries or colonies, shall eliminate the infestation, with such action being witnessed by a local law enforcement officer.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(3)(h), (3)(i) ~~(4), (42)~~ FS. History--New 11-22-88, Amended 11-4-92, 6-20-00, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-18.040	Definitions
6A-18.0401	Federal Regulations Adopted by Reference
6A-18.041	Establishment of Vending Facilities
6A-18.042	Issuance of License
6A-18.0421	Conditions for Removal from a Facility; Suspension or Revocation of License
6A-18.0423	Grievance Procedure
6A-18.0424	Announcement of Facility Vacancies
6A-18.0425	Application and Selection
6A-18.044	Operator License Agreement
6A-18.045	Newspaper Vending Sales
6A-18.046	Incorporation by Reference
6A-18.047	Forms and Instructions
6A-18.048	Solicitation of Funds for Blind Persons
6A-18.049	General Description of Services and Procedures
6A-18.050	Transportation (Transferred to 38K-1.050)
6A-18.051	Exit Review Panel (Transferred to 38K-1.051)
6A-18.052	The Individualized Plan for Vocational Rehabilitation
6A-18.053	Determination That a Client Has Been Rehabilitated

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 163, August 21, 2013 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
69J-8.004	Qualification and Certification of Neutral Evaluators
69J-8.006	Notice of Program
69J-8.008	Selection of Neutral Evaluator

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 174, September 6, 2013 issue of the Florida Administrative Register.

These changes are being made to address concerns submitted in writing to the Department and written comments received from the staff of the Joint Administrative Procedures Committee.

69J-8.004 Qualification and Certification of Neutral Evaluators.

(1) through (4) No change.

~~(5)(4)~~ The department shall decertify any evaluator who ceases to meet the criteria in subsection ~~(3)(2)~~ above. After certification the neutral evaluator has a continuing duty to disclose to the department any failure to meet the standards in subsection (4) above.

69J-8.006 Notice of Program.

Rulemaking Specific Authority 627.7074(18) FS. Law Implemented 627.707, 627.7074 FS. History--New 11-4-07, Amended \_\_\_\_\_.

69J-8.008 Selection of Neutral Evaluator.

(1) No change.

(2) The insurer shall contact the policyholder or its representative and the parties shall attempt to reach an agreement on selection of a neutral evaluator. If the parties come to mutual agreement on the selection of a neutral evaluator, both parties shall so inform the department, in writing, by emailing such information to the following email address: NeutralEvaluation@MyFloridaCFO.com. If after 10 days the parties have failed to agree upon the neutral evaluator, the parties shall so inform the department by calling the department at 1(850)488-6372.

(3) If after 14 business days after receipt of the list of certified neutral evaluators the parties have failed to agree upon a neutral evaluator, the parties shall so inform the department by emailing such information to the following email address: NeutralEvaluation@MyFloridaCFO.com, or by calling the department at 1(850)413-5818. ~~When informed~~

~~that the selection of a neutral evaluator could not be agreed upon by the parties, the department shall select a neutral evaluator by rotating sequentially through the list of willing neutral evaluators.~~

(4) through (6) No change.

(7) Either party may disqualify the selection without cause by emailing the department at NeutralEvaluation@MyFloridaCFO.com within 3 business days after receipt of the notice of selection by email or facsimile, or within 6 business days after receipt if notice of selection is sent by U.S. mail or other means.

(8) No change.

The remainder of the rules reads as previously published.

## Section IV Emergency Rules

NONE

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 22, 2013, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Lake County Judicial Center, filed October 4, 2013, and advertised on October 8, 2013 in Vol. 39, No. 196, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.4(b) ASME A17.1s, 2005 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code from exceeding maximum bottom runby because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-337).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on October 23, 2013, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Marina Bay Condominium, filed October 7, 2013, and advertised on October 10, 2013 in Vol. 39, No. 198, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 211.3c(3)(a) ASME A17.1, 1993 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires phase II emergency operation because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-339).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that on October 3, 2013, the Department of Business and Professional Regulation, Division of Drugs, Devices and Cosmetics, received a petition for Variances and Waivers from Martha Harrell Chumbler, Carlton Fields, P.A. on behalf of AmerisourceBergen Drug Corporation, 1300 Morris Drive, Chesterbrook, PA 19087.

The petition seeks a variance and waiver of Florida Administrative Code subparagraph 61N-1.012(3)(a)1., Pedigree Papers. The pedigree papers required by Sections 499.01212, F.S., must include either the proprietary name or the generic name with the name of the manufacturer, repackager, or distributor as reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug that is required to be identified on the pedigree paper; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. The pedigree paper must clearly identify the invoice to which it relates; however, if an invoice number has not been generated at the time the pedigree is prepared then an alternate reference number that is easily traceable to the invoice number may be used.

Petitioner request a permanent variance from the requirement in Rule that the pedigree paper include the full proprietary or generic name of the drug and requests that, instead, Petitioner be permitted to utilize an abbreviated form of the prescription drug's name, as long as other information sufficient to conclusively identify the drug is also included.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047, (850)717-1800.

Please refer all comments to: Reggie Dixon, Executive Director, Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047, website: [http://interredesignalpha/dbpr/ddc/ddc\\_division\\_notices.html](http://interredesignalpha/dbpr/ddc/ddc_division_notices.html).

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation, Great Floridians Ad Hoc Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 30, 2013, 1:00 p.m. to conclusion  
 PLACE: Secretary of State Conference Room, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and review the process for selection of nominees for designation by the Secretary of State as 2014 Great Floridians. A copy of the agenda may be obtained by contacting: Susanne Hunt, 1(800)847-7278 or via email: Susanne.Hunt@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Susanne Hunt, 1(800)847-7278 or via email: Susanne.Hunt@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Susanne Hunt, 1(800)847-7278 or via email: Susanne.Hunt@dos.myflorida.com.

#### DEPARTMENT OF EDUCATION

The Blind Services Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 4, 2013, 3:00 p.m.  
 PLACE: Teleconference – Contact Bruce Miles for the number at (239)394-1020 or Brokerbruc@aol.com

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the Foundations completed audit.

A copy of the agenda may be obtained by contacting: Bruce Miles, Chair, Financial Committee, (239)394-1020, Brokerbruc@aol.com.

#### EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Jobs for Floridians with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: October 31, 2013, 10:00 a.m.  
 PLACE: Hilton St. Petersburg Bayfront; 333 1st Street South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the Governor's Commission on Jobs for Floridians with Disabilities pursuant to Executive Order 11-161.

A copy of the agenda may be obtained by contacting: David Darm at (850)717-9433 or David.Darm@laspbs.state.fl.us. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: David Darm at (850)717-9433 or David.Darm@laspbs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David Darm at (850)717-9433 or David.Darm@laspbs.state.fl.us.

#### METROPOLITAN PLANNING ORGANIZATIONS

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 30, 2013, 12:00 Noon – 3:00 p.m., Staff Director's Advisory Committee; 3:30 p.m. – 6:00 p.m. the Governing Board

PLACE: Orlando Airport Marriott located at 7499 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and

adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org), phone: (850)414-4037. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Brigitte Messina, [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org), phone: (850)414-4037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Brigitte Messina, [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org), phone: (850) 414-4037.

#### METROPOLITAN PLANNING ORGANIZATIONS

The Transportation Improvement Program (TIP) User Group announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 30, 2013, 9:00 a.m. – 11:00 a.m.

PLACE: Orlando Airport Marriott located at 7499 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the organizational structure and function of the group, objectives, etc.

A copy of the agenda may be obtained by contacting: Brigitte Messina, [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org), phone: (850)414-4037. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Brigitte Messina, [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org), phone: (850)414-4037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Brigitte Messina, [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org), phone: (850)414-4037.

#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 13, 2013, 10:00 a.m.

PLACE: Chassahowitzka River Campground, 8600 W. Miss Maggie Dr., Chassahowitzka, FL 34448

GENERAL SUBJECT MATTER TO BE CONSIDERED: Dedication ceremony for completion of the Chassahowitzka Springs Restoration Project. Dedication will include a display of the archeological resources recovered from the site and a guided springs tour by boat. One or more Governing Board members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4702, TDD (FL only) 1(800)231-6103 or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [Chris.Zajac@watermatters.org](mailto:Chris.Zajac@watermatters.org), 1(800)423-1476 (FL only) or (352)796-7211, ext. 4413 (Ad Order EXE0288).

#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 12, 2013, 1:00 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Industrial and Public Supply Advisory Committee meeting: to discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4702, TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Cindy.taylor@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4150 (Ad Order EXE0289).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

The Board of Cosmetology announces a public meeting to which all persons are invited.

**DATES AND TIME:** January 13-14, 2014, 9:00 a.m.

**PLACE:** Residence Inn – Amelia Island Hotel, 2301 Sadler Road, Fernandina Beach, Florida 32034, (904)277-2440

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board business.

A copy of the agenda may be obtained by contacting: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

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: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

The Board of Veterinary Medicine announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 3, 2013, 8:00 a.m.

**PLACE:** Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

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**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

**DATE AND TIME:** November 8, 2013, 1:30 p.m.

**PLACE:** Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Housing received a \$10 million appropriation of state funding to issue a Request for Proposals (RFP) to finance the development of affordable, sustainable and permanent housing for special needs and extremely low income households, as defined in Section 420.0004, Florida Statutes. The funding must be awarded to nonprofit organizations specializing in housing for these households.

Florida Housing proposes to use this funding in a pilot to fund one or more permanent supportive housing developments targeting high needs populations with disabilities and frail elders who are homeless or living in a more restrictive institutional or congregate setting than they need or desire. The purpose of the pilot will be to demonstrate, through coordinated local and state public-private partnerships, reduced public expenditures and improved personal outcomes for residents by providing high utilizers of crisis services or residential/institutional care with permanent supportive housing. This will require applicants chosen under this pilot to work with local and other partners to provide onsite and offsite access to supportive services and health care. In addition, applicants will be expected to work with partners experienced in developing and implementing research methodologies and carrying out data collection to evaluate resident outcomes and cost savings to state and local governments.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsén at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF FINANCIAL SERVICES**

Division of Funeral, Cemetery, and Consumer Services

The Board of Funeral, Cemetery, and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: By teleconference: January 2, 2014 and March 6, 2014; and in person, in Tallahassee: February 6, 2014. All meetings will start at 10:00 a.m.

PLACE: To hear the conference call you may call (850)413-1558, conference code 318038 or participate by attendance at the Pepper Building, Tallahassee, FL, where Board staff will have a speaker phone connected to the teleconference by which the public can hear and address the Board.

The in-person meeting of the Board in Tallahassee will be held at room 230A, Alexander Building, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Applications for license; disciplinary actions; applications for approval of change in ownership or control of existing licenses; reports by staff; approval of minutes of prior meetings.

Any changes to the above meeting schedule will be published at least 10 days before the affected meeting, under the heading "Announcements," on the Division's webpage at the following

web address: [www.myfloridacfo.com/Division/FuneralCemetery/](http://www.myfloridacfo.com/Division/FuneralCemetery/).

A copy of the agenda may be obtained by contacting: LaTonya Bryant at (850)413-3039. The agenda for each meeting will be available at least 7 days before the 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 48 hours before the workshop/meeting by contacting: LaTonya Bryant at (850)413-3039. 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: LaTonya Bryant at (850)413-3039.

**CLAY SOIL AND WATER CONSERVATION DISTRICT**  
The Clay County Soil & Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2013, 9:00 a.m.

PLACE: Clay County Extension Office, 2463 SR16 W., Green Cove Springs, FL 32043

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Meeting.

A copy of the agenda may be obtained by contacting: Sally Doyle.

For more information, you may contact: Sally Doyle, (904)284-6355.

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

**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by William Harrison, Fire Marshal, Clermont Fire Department on July 25, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 150, of the Florida Administrative Register on August 2, 2013. The subject of the Petition is an interpretation of NFPA-1: 60.1, 60.1.24(3), and 60.2, Florida Fire Prevention Code (Fire Code), Florida Edition (2011). The Petition concerns the application of setback requirements for property containing a storage system holding an aqueous solution of sodium hypochlorite. The Petition also asked whether it is the intent of the Fire Code to apply setback requirements to tanks that store this solution since sodium



hypochlorite is exempt from regulation by the Florida Department of Environmental Protection (DEP). After a review of DEP paragraph 62-762.301(2)(y), Florida Administrative Code and the implementing statute as well as the various applicable sections of the Fire Code, the Division of State Fire Marshal has determined that the DEP exemption of sodium hypochlorite from environmental laws does not affect enforcement of the Florida Fire Prevention Code; sodium hypochlorite is a corrosive and a 20 foot setback is required for a storage tank, unless the owner can achieve compliance with the Fire Code through other prescriptive or performance-based provisions (FFPC-1:4.3).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Department of Financial Services, Room 612A, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0333.

**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**

NONE

**Section XII  
Miscellaneous**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

Holiday Motorsports, LLC, for establishment of LMLL motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Holiday Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 1161 Sun Century Road, Naples, (Collier County), Florida 34110, on or after November 23, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Holiday Motorsports, LLC, are dealer operator(s): Jeff Earl, 1161 Sun Century Road, Naples, Florida 34110; principal investor(s): Jeff Earl, 1161 Sun Century Road, Naples, Florida 34110.

The notice indicates intent to establish the new point location in a county of more 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: Trey Duren, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

Holiday Motorsports, LLC, for establishment of MOTI motorcycles

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Holiday Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry, Co. (line-make MOTI) at 1161 Sun Century Road, Naples, (Collier County), Florida 34110, on or after November 23, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Holiday Motorsports, LLC, are dealer operator(s): Jeff Earl, 1161 Sun Century Road, Naples, Florida 34110; principal investor(s): Jeff Earl, 1161 Sun Century Road, Naples, Florida 34110.

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

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A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

Duval Automotive Gainesville, LLC, d/b/a Smart Center of Gainesville for establishment of Smart vehicles

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 Mercedes Benz USA, LLC, intends to allow the establishment of Duval Automotive Gainesville, LLC, d/b/a Smart Center of Gainesville as a dealership for the sale of Smart vehicles by Mercedes Benz USA (line-make SMRT) at 4000 North Main Street, Gainesville, (Alachua County), Florida 32609, on or after November 23, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Duval Automotive Gainesville, LLC, d/b/a Smart Center of Gainesville are dealer operator(s): David C. Hodges, 12410 Kilmartin Court, Jacksonville, Florida 32224, principal investor(s): Scott McRae, 4000 North Main Street, Gainesville, Florida 32607.

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: Marco Desanto, Mercedes Benz USA, LLC, One Mercedes Drive, Montvale, New Jersey 07645.

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.

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#### PUBLIC SERVICE COMMISSION

Docket No. 110303-OT – Section 120.745, F.S. (2011), Legislative Review of Agency Rules in Effect on or Before November 16, 2010

Notice is hereby given that on October 23, 2013, the Florida Public Service Commission published on its website the 2013 Final Report of Compliance Economic Reviews for Group 2 rules, as required by paragraph 120.745(5)(d), F.S. and the certification of completion of the reviews and reports required under subsection 120.745(5), F.S., for 2013, as required by sub-subparagraph 120.745(5)(d)6., F.S.

The Internet address through which the 2013 Final Report of Compliance Economic Reviews for Group 2 rules and certification of completion may be accessed is:

[http://www.floridapsc.com/2011 Rule review/Economic Review/2013 Final Report/](http://www.floridapsc.com/2011_Rule_review/Economic_Review/2013_Final_Report/)

The Internet address through which the certification of completion may be accessed as an addendum to the enhanced biennial rule review is: [http://www.floridapsc.com/2011 Rule review/Economic Review/2013 Final Report/CompletionCertificate10-23-2013.pdf](http://www.floridapsc.com/2011_Rule_review/Economic_Review/2013_Final_Report/CompletionCertificate10-23-2013.pdf).

The person designated to receive all inquiries, public comments, and objections pertaining to the publication identified in this notice is as follows: Julie Phillips, c/o Ann Cole, Commission Clerk, Docket No. 110303-OT, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, fax number: (850)717-0118, email address: [jphillip@psc.state.fl.us](mailto:jphillip@psc.state.fl.us).

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#### DEPARTMENT OF HEALTH

Board of Nursing

##### Notice of Emergency Action

On October 23, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of William Lambert, LPN, PN#: 645271. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes, (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### DEPARTMENT OF HEALTH

Board of Nursing

##### Notice of Emergency Action

On October 23, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Susan Conard Lewin, RN, RN#: 1126952. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### DEPARTMENT OF HEALTH

Board of Nursing

##### Notice of Emergency Action

On October 23, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Robert William Hiers, R.N., RN#: 9303380. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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DEPARTMENT OF HEALTH

Board of Pharmacy

Notice of Emergency Action

On October 23, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Samuel E. Wahba, R.Ph., PS#: 27213. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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DEPARTMENT OF FINANCIAL SERVICES

FSC – Financial Institution Regulation

Financial Institutions

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

APPLICATION WITHDRAWN

Application to Acquire Control

Financial Institution to be Acquired: OptimumBank, Plantation, Florida

Proposed Purchaser: Moishe Gubin, South Bend, Indiana

Received: June 26, 2013

Withdrawn: October 22, 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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