

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Energy**

RULE NOS.:	RULE TITLES:
50-2.001	Florida Renewable Energy Technologies Sales Tax Refund
50-2.002	Florida Renewable Energy Technologies Investment Tax Credit
50-2.003	Florida Renewable Energy Production Tax Credit

**PURPOSE AND EFFECT:** The purpose of the amended rule is to provide guidance to interested taxpayers for the application process, review, and administration of the Florida Renewable Energy Technology Sales Tax Refund, the Florida Renewable Energy Technology Investment Tax Credit, and the Florida Renewable Energy Production Credit.

**SUBJECT AREA TO BE ADDRESSED:** Florida Renewable Energy Technology Sales Tax Refund, Section 212.08, F.S.; Florida Renewable Energy Technology Investment Tax Credit, Section 220.192, F.S.; and Florida Renewable Energy Production Credit, Section 220.193, F.S.

**RULEMAKING AUTHORITY:** 120.536(1), 120.54, 212.08, 220.192, 220.193 FS.

**LAW IMPLEMENTED:** 212.08, 220.192, 220.193 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:** April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001 or telephone: (850)617-7477

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.0995	Form of High School Diplomas and Certificates of Completion

**PURPOSE AND EFFECT:** The purpose of this rule development is to clarify that the special diploma or special certificate of completion forms are only applicable for students with disabilities who entered grade nine prior to the 2014-2015 school year. This will conform the rule to Section 1003.4282, F.S. that was amended during the 2014 legislative session.

**SUBJECT AREA TO BE ADDRESSED:** Special diploma and special certificate of completion forms.

**RULEMAKING AUTHORITY:** 1001.02(1), (2)(n), 1003.4282, 1003.435, 1003.53 FS.

**LAW IMPLEMENTED:** 1001.02, 1003.4282, 1003.4285, 1003.435, 1003.438, 1003.53 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:** Monica Verra-Tirado, Ed.D., Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0475. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.03029	Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years

**PURPOSE AND EFFECT:** The purpose of this rule development is to ensure that procedures, content and practices for developing the individualized family support plan (IFSP) for children with disabilities, birth through five years of age conform to the Individuals with Disabilities Education Act (IDEA) Part C requirements of the Department of Health Early Steps program. The Department of Health is the lead agency for early intervention services provided to infants and toddlers with disabilities through Part C of IDEA. School districts may use an IFSP in lieu of an individual educational plan (IEP). The effect will be a rule that aligns with the policies of the Department of Health.

SUBJECT AREA TO BE ADDRESSED: Development of Individualized Family Support Plans for Children with Disabilities Ages Birth Through Five Years.

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c), 1003.571 FS.  
LAW IMPLEMENTED: 1001.03(8), 1001.42(4), 1003.01(3)(a),(b), 1003.21(1)(e), 1003.57(1)(c), 1003.571, 1011.62(1)(c) 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: Monica Verra-Tirado, Ed.D., Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0475. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF CORRECTIONS**

RULE NOS.: RULE TITLES:  
33-602.803 Criteria for Assignment to Staff Housing  
33-602.805 Staff Housing Agreement Form  
33-602.807 Staff Housing Inspections  
33-602.809 Termination of Staff Housing Assignment  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to renumber and update Forms DC2-808A, DC2-808B, and DC2-808C, to add hyperlinks to the forms, and to amend referencing rules to incorporate the changes to the forms.

SUBJECT AREA TO BE ADDRESSED: Staff housing.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.10, 945.025 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 IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.803 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

- (1) No change.
- (2) Mobile Home Spaces.
  - (a) No change.
  - (b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on Form DC6-2082A ~~DC2-808A~~, Staff Housing Agreement. Form DC6-2082A ~~DC2-808A~~ is incorporated by reference in Rule 33-602.805, F.A.C.

(c) through (d) No change.

(3) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.10, 945.025 FS. History—New 9-1-88, Amended 9-5-89, Formerly 33-26.004, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05, 9-5-06, 4-20-10, Formerly 33-208.504, Amended \_\_\_\_\_.

33-602.805 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC6-2082A ~~DC2-808A~~, for processing in compliance with the assignment criteria in Rule 33-602.803, F.A.C., ~~herein~~. Form DC6-2082A ~~This form~~ is hereby incorporated by reference, ~~Copies of this form and a copy~~ may be obtained from the Forms Control Administrator, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of this form is October 29, 2008.

(2) through (3) No change.

Rulemaking Authority 944.09(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History—New 9-1-88, Formerly 33-26.006, Amended 8-16-00, 4-8-02, 3-30-05, 10-29-08, Formerly 33-208.506, Amended \_\_\_\_\_.

33-602.807 Staff Housing Inspections.

(1) All staff housing shall be inspected by the warden and a representative of the service center at least once annually, but more often if needed. Inspection reports shall address the condition of the staff housing, the condition of the grounds, and the condition of state-owned equipment and furnishings. A copy of an inspection report shall be furnished to the occupant for correction of deficiencies. Form DC6-2082B ~~DC2-808B~~, Residential Inspection for Staff Housing, shall be used for this purpose. Form DC6-2082B ~~DC2-808B~~ is hereby incorporated by reference ~~Rule 33-602.807~~. Copies of this form are available from the Forms Control Administrator, ~~Office of Research,~~

~~Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_ ~~August 16, 2000~~.

(2) through (3) No change.

Rulemaking Authority 944.09(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History—New 9-1-88, Formerly 33-26.008, Amended 8-16-00, 1-19-03, Formerly 33-208.508, Amended \_\_\_\_\_.

33-602.809 Termination of Staff Housing Assignment.

(1) Expiration.

(a) through (b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraph (1)(a)3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC6-2082C ~~DC2-808C~~, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office. Form DC6-2082C ~~DC2-808C~~ is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of this form is \_\_\_\_\_ ~~April 8, 2002~~. Expiration shall be effective at the end of the last day of the occupant’s employment in the class series or at the institution.

(2) through (3) No change.

Rulemaking Authority 944.09(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History—New 9-1-88, Amended 6-21-89, Formerly 33-26.010, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05, Formerly 33-208.510, Amended \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-53.003	Compliance Procedures (Repealed)
67-53.0035	Florida Housing Finance Corporation
67-53.004	Right to Inspect and Monitor Elderly Housing Community Loan (EHCL) Funded Developments
67-53.005	Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds (Repealed)
67-53.006	Compliance and Monitoring Procedures for the Pre-Development Loan Program (PLP)
67-53.007	Compliance Procedures (Repealed)

67-53.008 Compliance and Reporting Requirements for State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Rental Program, Multifamily Mortgage Revenue Bond (MMRB) Program, Housing Credit (HC) Program, Rental Recovery Loan Program (RRLP), and Elderly Housing Community Loan Program (EHCL)

67-53.009 Compliance and Monitoring for Homeownership Assistance Program (HAP) and Homeownership Programs

67-53.010 Forms (Repealed)

PURPOSE AND EFFECT: The purpose of this Rule is to establish the compliance procedures by which Florida Housing or any duly authorized representative of Florida Housing shall be permitted at any reasonable time to inspect and monitor developments and tenant records and facilities.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to amendments to the compliance procedures, as specified in Rule Chapter 67-53, Florida Administrative Code.

RULEMAKING AUTHORITY: 420.507(12), 420.508(3)(a) FS.

LAW IMPLEMENTED: 420.507(4), (13), (14), 420.508, 420.509 FS.

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

DATE AND TIME: October 10, 2014, 1:00 p.m., Eastern Time

PLACE: The workshop will be available by telephone or interested parties may attend in person at Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301

The call-in information is posted on the Florida Housing website:

<http://www.floridahousing.org/PropertyOwnersAndManagers/ComplianceRule/RuleMaking/>

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: Susan Platt, Assistant Director of Asset Management & Compliance, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329, (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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Platt, Assistant Director of Asset Management & Compliance, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329, (850)488-4197  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Food Safety

RULE NO.:       RULE TITLE:  
 5K-4.002       Adoption of Federal Regulations and Other Standards

PURPOSE AND EFFECT: The purpose of this rule development is to update the federal regulations and standards previously adopted by reference in this rule section and used by this agency to facilitate the regulation and inspection of agriculture based food establishments. The proposed rule will adopt the 2009 U.S. Food and Drug Administration (FDA) Food Code (Food Code) and related federal regulations, which are the national standards for food safety regulation. The effect of this proposed rule is to provide uniformity and consistency with both our regulated industry that is already operating on the current versions of the Food Code and federal code language and with our federal partners with which we have ongoing cooperative agreements for inspection services.

SUMMARY: Update the relevant Codes of Federal Regulation and the FDA Food Code which are the national standards and model codes for food safety regulation. The Department has determined that the posting the Model Consumer Commodity Salvage Code (November 2002), which is incorporated in this rule, on the Internet would constitute a violation of the federal copyright law. The incorporated material will be available for public inspection and examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650.

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. As part of this analysis, the Department relied upon historical information based on previous updates to the rule language. This rule updates currently adopted federal regulations while maintaining compliance with Florida law.

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: 500.09, 500.12(1)(f), 500.12(5)(d), 500.12(6), 500.303, 500.304, 500.459, 570.07(23), (24) FS.

LAW IMPLEMENTED: 500.02, 500.03, 500.032, 500.04, 500.09, 500.10, 500.11, 500.12, 500.121, 500.13, 500.147, 500.166, 500.169, 500.172, 500.301, 500.303, 500.304, 500.459, 570.07(2), (6), (9), (16), (18), (24), 570.0725 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard MS – C 18, Tallahassee, FL, 32399-1650, telephone number: (850)245-5595

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.002 Adoption of Federal Regulations and Other Standards.

(1) The following materials are hereby incorporated and adopted as rules under the Florida Food Act, Chapter 500, F.S. Copies of all referenced materials documents are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650 or online as indicated.

(a) Code of Federal Regulations Title 7 – Agriculture, Part 51, Sections 51.2-51.3, 51.300-51.3749, Part 52, Sections 52.2-52.3, 52.771-52.3764, ~~Part 55, Sections 55.1 55.2, 55.5, 55.300 55.390, 55.600 55.650, 55.800 55.820,~~ Part 56, Sections 56.1-56.2, 56.35-56.37, 56.39-56.41, 56.75-56.77, Part 57, Sections 57.1, ~~57.5,~~ 57.35, 57.45, ~~57.50, 57.410, 57.504,~~ 57.800-57.860, 57.900-57.970, and Part 70, Sections 70.1-70.2, 70.50-70.55, ~~70.80 70.81,~~ 70.110, revised as of

January 1, 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, ~~2003; and~~

(b) Code of Federal Regulations Title 9 – Animal and Animal Products, Parts 301, 303, 316-317, Part 318, Sections 318.10, 318.16, 318.20, Part 319, Part 352, Sections 352.1 and 352.7, Part 354, Sections 354.1, 354.70-354.72, and Part 381, Sections 381.1-381.15, 381.125, revised as of January 1, 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, ~~2003; and~~

(c) Code of Federal Regulations Title 19 – Custom Duties, Part 134, revised as of April 1, 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, ~~2003; and~~

(d) Code of Federal Regulations Title 21 – Food and Drugs, Part 1, Part 2, Sections 2.5, 2.25-2.125, Parts 7, 70, 73-74, 100, Part 101, (excluding subsection 101.9(g)(2)), Parts 102-109, Part 110 (except for 110.80(b)(3)(i) is amended to required refrigerated foods to be maintained at a temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below and 110.80(b)(3)(iii) is amended to require that hot foods to be maintained at a temperature of 135 degrees Fahrenheit (57 degrees Celsius) or above), Part 111- 169 ~~190~~, revised as of April 1, ~~2003~~; and Part 1240, revised as of April 1, 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, ~~2002; and~~

(e) Code of Federal Regulations Title 40 – Protection of Environment, Part 180, (excluding subsection 180.6(d) and Section 180.101), revised as of July 1, 2013, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> ~~2003~~.

~~(f) Interested persons may obtain copies of the pertinent sections of the Code of Federal Regulations referenced herein by contacting the Superintendent of Documents, U.S. Government Printing Office, P. O. Box 371954, Pittsburgh, PA 15250 7954. Copies of all referenced documents are also available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399 1650.~~

(2) The following materials are hereby incorporated and adopted as rules under the Florida Food Act, Chapter 500, F.S. Copies of all referenced materials documents are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650 or online as indicated.

(a) The action levels for food defects declared by the United States Food and Drug Administration and referenced in the FDA/CFSAN Defect Action Level Handbook, The Food Defect Action Levels, May 1995 (Revised May 1998), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> and in the

(b) Industry Activities Staff Booklet, Action Levels for Poisonous or Deleterious Substances in Human Food and Animal Feed (August 2000), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, are hereby adopted by reference as administrative rules under Chapter 500, F.S. Copies of these books may obtained from the U.S. Food and Drug Administration, Industry Activities Staff (HFS 565), Center for Food Safety and Applied Nutrition, 200 C Street S.W., Washington, DC 20204. These books are also available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399 1650.

(3) Food Salvage Operations.

~~(a) The purpose of this rule subsection is to adopt sanitation criteria, standards and requirements for food salvage operations.~~

(a)(b) The “Model Consumer Commodity Salvage Code (November 2002),” jointly published by the Association of Food and Drug Officials, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture is hereby adopted as sanitation criteria, standards, and requirements for food salvage operations in Florida and is incorporated by reference as administrative rules under Chapter 500, F.S., with the following exclusions: Sections 1-102(B), 9-102(C), (F) and (G), 13-101-13-106, and 14-101-14-107. The Department has determined that posting the incorporated material on the Internet would constitute a violation of the federal copyright law. The incorporated material will be available for public inspection and examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650.

(b)(e) For the purposes of subsection (3) of this rule, “Consumer commodity” is defined as: “any food, beverage, dietary supplement, animal food (pet food), single service food containers or utensils, soda straws, paper napkins, or any other product of a similar nature. It also may include animal feed when handled at the same facility as other consumer commodities. This definition includes salvage caused by disasters which could include animal feeds which are handled differently than “animal food” which is destined for consumption by pets (e.g., cans of cat food, broken bags of dry dog food).”

~~(d) Interested persons may obtain copies of the Model Consumer Commodity Salvage Code (November 2002), by contacting the Association of Food and Drug Officials, 2550 Kingston Road, Suite 311, York, PA 17402, and copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety,~~

Bureau of Food and Meat Inspection, 3125 Conner Blvd., Suite H, Tallahassee, Florida.

(4) Food Code – Provisions Adopted and Exclusions. The following materials are hereby incorporated and adopted as rules under the Florida Food Act, Chapter 500, F.S. Copies of all referenced materials documents are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650 or online as indicated.

(a) Chapters 1-7, Subpart 8-101, Section 8-201.13, Section 8-201.14, Section 8-202.10 of the “2009 2001 Food Code”, (hereafter known as the Food Code), “Annexes 3 – 7 of the 2009 Food Code”, and Chapters 1-7 of the “Supplement to the 2009 2001 Food Code” (effective date September 29, 2011), published by the U.S. Public Health Service of the U.S. Department of Health and Human Services, are hereby adopted by reference as administrative rules under Chapter 500, F.S., except for the following provisions, which are not adopted by reference and therefore are specifically excluded from this rule: Interested persons may obtain copies of these materials online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) The following provisions of the Food Code are not adopted by reference and therefore are specifically excluded from rule:

1. 1-201.10(B), definitions for terms “Food Establishment”, “Food Processing Plant”, and “Temporary Food Establishment” (36), (37), and (95); and
2. 1-201.10(B), the word “unpackaged” only within the definition of “Food Employee”; 3-304.14(B)(2); and
3. The 7° Centigrade (45° Fahrenheit) requirement in 3-501.14(D) and 3-501.16(B); 3-501.12(A), 3-501.13(A), 3-501.13(B)(3), 3-501.13(B)(4), 3-501.13(B)(4)(b), 3-501.14(A)(2), 3-501.14(B), 3-501.14(C), 3-501.16(A)(2)(b); and
4. 4-301.12(C)(5), 4-301.12(D), 4-301.12(E) 3-501.14(D); and
5. 5-203.11(C) 3-501.17(A)(2); and
6. All subsequent parts of subsection 6-202.110 after the word “law”. 4-301.12(C)(5), 4-301.12(D), 4-301.12(E); and
7. 5-203.11(C); and
8. 5-402.12; and
9. 6-202.110.

All provisions in the “2001 Food Code” and the “Supplement to the 2001 Food Code,” hereafter identified as “FDA Food Code”, that are adopted herein by reference shall apply to all food establishments regulated by the Florida Department of Agriculture and Consumer Services unless specifically exempted within this rule chapter. Interested parties may obtain copies of this publication by contacting the U.S. Government

Printing Office, Superintendent of Documents, P. O. Box 371954, Pittsburgh, PA 15250 7954. Copies are also available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Room 289, Tallahassee, Florida 32399 1650.

(e) Mechanical refrigeration units in food establishments are required to maintain potentially hazardous foods at 5° C (41° F) or below.

(5) Other Standards.

(a) Cloths used for wiping food spills on food contact surfaces of equipment shall be clean and rinsed frequently in an approved sanitizing solution as defined in 21 C.F.R. § 178.1010 (2002). Cloths used for wiping food spills on food contact surfaces shall be used for no other purpose. The cloths shall be stored in the sanitizing solution between uses.

(b) Cloths used for cleaning non food contact surfaces shall be clean and rinsed frequently in an approved sanitizing solution as defined in 21 C.F.R. § 178.1010 (2002). Cloths used for cleaning non food contract surfaces shall be used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

Rulemaking Authority 500.09, 500.12(1)(f), 500.12(5)(d), 500.12(6), 500.303, 500.304, 500.459, 570.07(23), (24) FS. Law Implemented 500.02, 500.03, 500.032, 500.04, 500.09, 500.10, 500.11, 500.12(4)(a), 500.121, 500.13, 500.147, 500.166, 500.169, 500.172, 500.301, 500.303, 500.304, 500.459, 570.07(2), (6), (9), (16), (18), (24), 570.0725 FS. History—Revised 3-1-72, Amended 12-31-74, 1-18-83, 6-17-85, Formerly 5E-6.02, Amended 7-25-88, 4-13-92, Formerly 5E-6.002, Amended 8-8-95, 9-9-96, 12-10-96, 4-10-97, 9-8-97, 11-15-99, 2-5-04, 3-1-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Tiffiani Onifade, Director, Division of Food Safety

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 6, 2014

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Domestic Violence**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65H-1.012	Application and Certification Process
65H-1.013	Administration and Operations
65H-1.014	Services
65H-1.015	Emergency Shelter Facilities
65H-1.017	Monitoring and Evaluation

PURPOSE AND EFFECT: The purpose of this rulemaking is to implement Chapter 2012-147, Laws of Florida, amending the

duties of the Department of Children and Families (DCF) relating to domestic violence center certification and monitoring. The proposed rule transfers certain administrative responsibilities for the certification and monitoring of domestic violence centers from the Department to the Florida Coalition Against Domestic Violence as provided by law.

**SUMMARY:** Rule revisions address amendments to chapter 39, Florida Statutes, which delegates the evaluation authority for the monitoring of domestic violence centers to the Florida Coalition Against Domestic Violence.

**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:

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:** 39.903 FS.

**LAW IMPLEMENTED:** 39, 903, 39.9035, 39.905 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** October 29, 2014, 9:30 a.m.

**PLACE:** 1317 Winewood Boulevard, Building 4, Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Renee Starrett, (859)717-4073 or renee\_starrett@dcf.state.fl.us

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

65H-1.012 Application and Certification Process.

(1) Certification Eligibility.

(a) To be eligible for certification an applicant shall be a not-for-profit corporation created for the purpose of operating a domestic violence center. The not-for-profit corporation may be affiliated with a local government entity or a larger private organization, but must be a distinct entity with its own corporate structure and budget. Existing domestic violence centers initially certified prior to November 30, 2009 the effective date of this rule shall be exempt from the foregoing requirement. All

funding and budget issues pertaining to the operation of the domestic violence program must be reported independently from other activities. The domestic violence center's primary mission shall be the provision of services to victims of domestic violence, as defined in Section 741.28, F.S.

(b) When an applicant is seeking certification within the service area of an existing certified center, the applicant shall ~~demonstrate the unmet need in that service area and make efforts to subcontract with the existing center to avoid duplication of services. Efforts to partner with the existing center shall be documented. If subcontracting is not an option, an application for certification shall be made to the Department.~~

(c) No change.

(d) Applicants for initial certification ~~and renewal of certification~~ must demonstrate an ability to operate, garner community support, and maintain solvency by providing proof of the following:

1. through 4. No change.

(e) An applicant must agree to become a member of the Florida Coalition Against Domestic Violence (hereinafter "Coalition") and maintain membership as a condition of certification. Failure to join the Coalition and maintain membership shall be grounds for revocation of certification.

(2) Application. Application for initial certification shall be made on Form CF 613, Domestic Violence Center Certification Application, August 2009, which is incorporated by reference. Form CF 613 may be obtained from the Domestic Violence Program Office or on the Department's website at <http://www.myflfamilies.com/service-programs/domestic-violence> ~~[www.dcf.state.fl.us/domesticviolence](http://www.dcf.state.fl.us/domesticviolence) by clicking on the link for the Domestic Violence Program.~~ The full-time administrator, board president, or the designated representative of a corporation shall complete the application. The application shall include the following attachments:

(a) No change.

1. No change.

2. Community Support. The applicant must demonstrate that the organization is publicly supported, both programmatically and financially. The financial documentation shall demonstrate a 25 percent local match in the form of cash, in-kind services, or a combination thereof. Written endorsement by local law enforcement agencies, and three letters of support from community partners, ~~and documentation of efforts to subcontract with existing certified centers in the service area~~ shall also be included.

3. through 4. No change.

5. Market Analysis and Plan. The market analysis shall include a description of the local need for domestic violence services and how those needs are met or unmet. The applicant must demonstrate that services address a need identified in the most current statewide needs assessment approved by the

Department. The current needs assessment may be obtained from the Domestic Violence Program Office or on the Department's website at <http://www.myflfamilies.com/service-programs/domestic-violence/reports-publications> ~~www.def.state.fl.us/ domesticviolence/publications~~. Descriptions of the service area and demographics, efforts to avoid duplication of services, and as well as strategies for public awareness and fundraising, shall also be included.

6. through 7. No change.

8. Service Plan. The service plan shall include an identification and comprehensive description of each service required by Section 39.905, F.S., and any additional services and programs provided by the provider. The description must illustrate the manner in which services will be integrated with existing resources for domestic violence victims, for example, inter-agency agreements. For each of the ~~core~~ services, required in Section 39.905, F.S., the applicant must address the needs of underserved populations, including populations that are underserved because of disabilities, ethnicity, race, language, or geographic isolation, and specific efforts to reach each of these populations within the organization's service area. Documentation of services shall include services provided during the previous 18 months of operation as a domestic violence program, and include the number of persons served for each required service, and the gender, age, and ethnicity of the people served.

(b) No change.

(3) Certification.

(a) Certification is for one year and automatically expires on June 30 of each year unless extended to allow implementation of a corrective action plan as set forth in Rule 65H-1.017, F.A.C. ~~the termination date provided on the certificate.~~

(b) The Department will annually renew a center's certification upon the June 30 expiration date provided the Department has received a favorable monitoring report from the Coalition.

(c)(b) Failure to comply with any of the requirements in Section 39.905, F.S. or this rule chapter constitutes grounds to deny, suspend, or revoke the certification. However, if the corrective action period extends beyond the June 30 expiration date, the Department will extend the certification for a period not to exceed 90 days to allow the center to complete a corrective action plan as provided for in Rule 65H-1.017, F.A.C.

(d)(e) Certification is non-transferable and valid only for the center and designated service area location(s) listed on the certificate issued by the Department.

(e) The provider may operate satellite service centers at different locations. If the provider wishes to change the location of service, close a service center, or open additional service centers during an existing certification period, the provider must notify the Department, in writing, at least 30 days prior to the change or addition, and request approval from the Department ~~for an amendment of the certification~~. The Department will grant approval for additional service centers ~~amend the certification~~ if the provider is financially and programmatically capable of supporting additional service locations, the new or additional location is within the center's designated service area, and there is no pending corrective action pertaining to the provider. If the Department does not grant approval for ~~amend the certification to include~~ additional sites, the provider may not utilize ~~Department~~ funds distributed through the formula as set forth in Rule 65H-1.018, F.A.C. to operate those locations.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History--New 11-30-09, Amended \_\_\_\_\_.

Editorial Note: Formerly 65H-1.001, 65H-1.002.

#### 65H-1.013 Administration and Operations.

The provider shall develop and implement written policies and procedures that ensure compliance with all provisions of this rule chapter and Sections 39.905 and 39.908, F.S. The provider shall make the written policies and procedures available ~~provide a copy~~ to all employees and volunteers upon their beginning date of employment or service, and, thereafter, as revised. Employees and volunteers must indicate in writing that they have read and understand the policies and procedures relevant to their position or volunteer duties, which must be documented in their personnel or volunteer file. At a minimum, the operating policies or and procedures shall address ~~include~~ the following:

(1) Admission. The provider shall establish and implement written policies and procedures that identify who is eligible for services and how those services are accessed. Services shall not be denied to any person because of age, race, religion, color, disability, national origin, marital status, or gender as outlined in 45 CFR Parts 80, 83, 84, and 90. Prospective participants must be informed of the admission criteria and, if ineligible, the provider must provide referrals to other organizations that can provide assistance.

(2) Board of Directors. The provider shall establish and maintain a board of directors, which shall be composed of at least three citizens who reside within the center's service area, one of whom must be an employee of a local, municipal, or county law enforcement agency whose jurisdiction includes some or all of the center's service area. The board of directors should racially and ethnically reflect, to the extent possible, the



participants served by the domestic violence center. The board of directors shall serve as the governing body responsible for fiscal oversight and strategic leadership specific to the operation of the center. The provider shall create an advisory board to make recommendations to the board of directors regarding operational functions specific to the domestic violence center if the board of directors does not directly ~~provide fiscal oversight and strategic leadership to oversee the domestic violence center's operations.~~ The provider shall develop by-laws, which must include membership selection process, term limits, code of conduct, conflict of interest, duties and responsibilities, and orientation and training requirements for the board of directors and any advisory boards.

(3) Confidentiality. The provider shall establish and implement written policies and procedures for maintaining safety, confidentiality, and privacy of persons receiving services. The provider shall also ensure that employees and volunteers receive written information on the restrictions relating to the disclosure of information about center participants and the location of shelter as provided in Section 39.908, F.S.

~~(4) Electronic Communication. The Department's primary communication with a provider will be electronic. A provider shall have the capability to access the Internet and to electronically submit certification documentation as required by the Department. A provider shall maintain a functional email address with the capability of receiving attachments and shall provide that address, and revisions as needed, to the Department.~~

~~(4)(5) Endorsement. The provider must obtain annual written cooperative agreements with the endorsements from the primary law enforcement agency agencies within each county of the center's service area, preferably through the establishment of written cooperative agreements.~~

~~(5)(6) No change.~~

(a) No change.

(b) The emergency management plan must include, at a minimum, the following elements: procedures for reporting emergencies or incidents as identified in paragraph ~~(5)(a) (6)~~ above; identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification; delegations of authority and lines of succession; identification of alternative facilities; procedures for evacuation, including type of evacuation and exit route assignments; procedures to account for all staff members and participants; and identification and protection of records and databases.

(c) No change.

~~(6)(7) No change.~~

~~(7)(8) Incident Reporting. The provider shall notify the Coalition Department as soon as practical, and in no event more than 24 hours, after any incident that involves death or serious~~

injury of a participant or their dependent, as well as any action by the participant or provider staff that results in an inquiry by public media.

~~(8)(9) No change.~~

(a) No change.

1. through 4. No change.

(b) If the administrator or accounting manager positions listed above become vacant, or if the employee assigned to the position is unable to fulfill their duties and responsibilities due to an extended absence, the provider shall notify the Coalition Department within five business days of the vacancy or absence.

(c) through (f) No change.

~~(9)(10) Privilege. The provider shall ensure that all employees and volunteers who provide direct services register for advocate-victim privilege according to Section 90.5036, F.S. The provider shall ensure that a current and accurate list of said employees and volunteers with their position title is filed with the Coalition Department. The provider, as necessary, shall file amendments to the list.~~

~~(10)(11) Record Keeping. The provider shall provide for the maintenance of records, including electronic storage media, regarding the administrative, fiscal, and programmatic operation of the domestic violence center. Records shall be current, complete, accurate, and maintained in such form as to permit Department or Coalition evaluation during the hours of operation. Information about domestic violence center clients or the location of the domestic violence center may not be disclosed except as provided in Section 39.908, F.S. received by the Department concerning participant identity is confidential and exempt from the provisions of Section 119.07(1), F.S., and shall not be disclosed without the written consent of the participant to whom the records or information pertains. All records and files, including electronic storage media, shall be kept for a minimum period of six years after termination of certification, or if an audit has been initiated and audit findings have not been resolved at the end of six years, the records and files shall be retained until resolution of the audit findings. The Department shall make the final determination as to what constitutes a satisfactory resolution of audit findings. Records include, but are not limited, to the following:~~

(a) No change.

(b) Fiscal Records. The provider shall maintain an accounting system capable of distinguishing between all revenue sources and expenditures and in accordance with generally accepted accounting principles (GAAP) as defined by Rule 61H1-20.007, F.A.C., 9-29-02, which is incorporated by reference and may be obtained at [www.flrules.org/gateway/ruleNo.asp?ID=61H1-20.007](http://www.flrules.org/gateway/ruleNo.asp?ID=61H1-20.007). The provider's fiscal records shall provide an accounting of the revenue and expenditures of the certified center that is separate

and distinct from other programs and services that may be operated by a parent entity such as a local government or an umbrella agency. The provider's fiscal records must be available for inspection by the Department or Coalition upon request.

(c) Service Reports. The provider shall collect and compile a monthly record of all services provided. The record shall include the gender, age, ethnicity, and, if applicable, other information as required by contract, of the people served. The provider shall forward a monthly summary report to the Coalition Department each month for evaluation of domestic violence service trends.

~~(11)(12)~~ No change.

(a) through (b) No change.

(c) Emergency Training. In addition to in-service training, all staff members shall receive, at a minimum, annual training on implementing the center's emergency management plan as identified in paragraph ~~(5)(6)~~ above.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New 11-30-09, Amended.

Editorial Note: Formerly 65H-1.001, 65H-1.003.

#### 65H-1.014 Services.

To be eligible for certification, a domestic violence center shall provide the minimum ~~core~~ services as set forth below and in Section 39.905, F.S. Providers may provide additional services beyond the minimum requirements. For services provided, the center must make specific efforts to address the needs of underserved populations within the center's service area, including populations that are underserved because of disabilities, ethnicity, gender, race, language, or geographic isolation.

(1) through (5) No change.

(a) The provider shall provide hotline services, available 24 hours a day, seven days a week staffed by domestic violence advocates who have successfully completed the 30 hours of domestic violence competency-based core training and are registered for privileged communications. The hotline telephone shall have a TTY TDD/telephone relay service.

(b) No change.

(6) No change.

(a) No change.

(b) Any person who knows, or has reasonable cause to suspect, that a child is abused or neglected shall report such knowledge or suspicion to the Department's central abuse hotline as provided for in Section 39.201, F.S.

(7) through (9) No change.

Rulemaking Authority 39.903 FS. Law Implemented 39.905, 39.908 FS. History—New 11-30-09, Amended.

Editorial Note: Formerly 65H-1.001, 65H-1.003.

#### 65H-1.015 Emergency Shelter Facilities.

(1) Design, Construction, and Accessibility. The provider shall ensure that the design and construction of new shelter facilities or alterations to an existing facility meet the minimum requirements of the applicable state and local governing agencies. No initial new certifications shall be issued after the effective date of this rule to any provider whose shelter facility does not meet the requirements of Sections 553.501-.513, F.S., and the Americans with Disabilities Act Standards for Accessible Design in the Code of Federal Regulations, Title 28, Part 36, Appendix A. Facilities certified prior to the effective date of this rule must meet these minimum standards except where the cost of compliance with a particular standard would impose an undue burden on the provider, as described in the Code of Federal Regulations, Title 28, Section 35.150. Any alteration to a shelter facility certified prior to the effective date of this rule must meet the accessibility guidelines described above, as provided in the Code of Federal Regulations, Title 28, Section 36.402.

(2) No change.

(a) All shelter facilities maintained by the provider ~~or its subcontractors~~ shall meet all applicable county and municipal building code enforcement requirements as provided in subsection (1) of this rule chapter.

(b) through (f) No change.

(g) No narcotics, alcohol, or other impairing drugs shall be present on the premises. This does not include prescription medications.

(h) through (j) No change.

(3) Telephone. The shelter facility shall have telephones that are centrally located and readily available for staff member and participant use. Emergency numbers such as emergency medical services, fire department, law enforcement, hospital, and poison control center shall be posted by each telephone. There shall be at least one cellular telephone available for use at all times in the event of power and telephone line outages. TTY TDD/telephone relay service for the hearing impaired is required.

Rulemaking Authority 39.903 FS. Law Implemented 39.905 FS. History—New 11-30-09, Amended.

Editorial Note: Formerly 65H-1.001, 65H-1.003.

#### 65H-1.017 Monitoring and Evaluation.

The Coalition Department will monitor each conduct evaluations of certified centers to evaluate compliance with the minimum standards provided in this rule chapter and in Section 39.905, F.S.

(1) To conduct evaluations, the Coalition Department shall have access to a center or subcontractor, its location, records relevant to the operation of said center or subcontractor, records

of participants served, and any other information necessary for evaluation of compliance with this rule chapter and Section 39.905, F.S.

(2) The evaluation shall occur annually, through an on-site visit or desktop review, as determined by the Coalition Department. However, an evaluation may occur at any time there is a complaint to the Department or Coalition. The Coalition and the Department must be granted access to enter and inspect a center as provided in Sections 39.903 and 39.9035, F.S.

(3) Within 60 days after the evaluation, the provider will receive a written report from the Coalition detailing Department whether or not standards have been met. If any deficiencies were cited, the provider will be given ten business days from the date of the written report to submit a corrective action plan. The corrective action plan is subject to approval by the Coalition Department. The severity of the noncompliance may affect the period of time allowed for correction, but in no event shall the corrective action period exceed 90 days. Follow up visits or a desk review will be made by the Coalition Department to determine if the plan of correction is acceptable, has been implemented, or completed.

(4) ~~The Department will renew a center’s annual certification based upon receipt of a favorable monitoring report issued by the Coalition as provided in Section 39.903(2), F.S. Failure to successfully complete the corrective action plan. However, the Department will suspend a center’s certification immediately without allowing a corrective action in cases of recurring violations or if the violation poses a serious risk of imminent harm to the health or safety of participants or staff members.~~

(a) A favorable monitoring report means the Coalition has determined a center is in compliance with the requirements of this rule chapter, Sections 39.905 and 39.908, F.S., and the Coalition contract for purposes of subsection 65H-1.012(3), F.A.C. The Coalition’s determination that a center was initially not in compliance with these requirements, but has successfully completed a corrective action plan will also constitute a favorable monitoring report.

(b) An unfavorable monitoring report means the center is not in compliance with the requirements of this rule chapter, Section 39.905, F.S., the Coalition contract, and has not successfully completed a corrective action plan as determined by the Coalition. An unfavorable monitoring report will result in suspension of a center’s certification, unless the circumstances are beyond the provider’s reasonable control, such as manmade or natural disasters, local zoning ordinances, or permitting processes.

(5) The Department will suspend a center’s certification without allowing an opportunity for corrective action in the event a violation poses a imminent risk of serious harm to the health or safety of participants or staff members. A suspension will continue until the provider completes a corrective action plan, but will not exceed six months. If the provider does not successfully complete the corrective action plan within six months, the center’s certification will be revoked.

Rulemaking Authority 39.903 FS. Law Implemented 39.903, 39.905 FS. History—New 11-30-09, Amended \_\_\_\_\_.

Editorial Note: Formerly 65H-1.005.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cyndee Odom, Director of Domestic Violence Program Office, Department of Children and Families

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll, Interim Secretary, Department of Children and Families

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 13, 2013

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: RULE TITLE:

69A-64.005 Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The purpose of the amendment is to adjust the firefighter death benefits provided in Section 112.191(2), F.S., for the 2014-2015 year based on the Consumer Price Index (CPI) for All Urban Consumers published by the United States Department of Labor.

SUMMARY: In May 2014, the CPI for All Urban Consumers increased 2.1 percent over the last 12 months. The proposed amendments will adjust the firefighter death benefits provided in Section 112.191(2), F.S., for the 2014-2015 year, based on the CPI for All Urban Consumers.

**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 conducted an economic analysis of the potential impact of the proposed rule and determined that there

will be no adverse economic impact or regulatory increases that would require legislative ratification.

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: 112.191(2)(i) FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 20, 2014, 10:00 a.m.

PLACE: Division of State Fire Marshal, 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

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: Jason Fryar at (850)413-3647 or Jason.Fryar@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 IS: Jason Fryar, Government Analyst II, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3647 or Jason.Fryar@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2014~~ 2013 through June 30, ~~2015~~ 2014, using the Consumer Price Index for All Urban Consumers published by the United States Department of Labor for ~~May 2014~~ April, 2013, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$64,683.39~~ \$66,041.74.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$64,683.39~~ \$66,041.74.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$180,160.78~~ \$183,994.16.

Rulemaking Authority 112.191(2)(i) FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, 4-13-09, 11-22-09, 9-9-10, 5-21-12, 2-6-13, 11-3-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Fryar, Government Analyst II, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 1, 2014

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-62.001	Definitions
5B-62.002	Purpose
5B-62.003	Plant Pest Declaration
5B-62.004	Manuals
5B-62.005	Forms
5B-62.006	Citrus Budwood Technical Advisory Committee
5B-62.007	Citrus Nursery Stock Certification Program
5B-62.008	Requirements for Citrus Nursery Site Approval
5B-62.009	Requirements for Citrus Nursery Sanitation
5B-62.010	Requirements for Citrus Nursery Structure
5B-62.011	Requirements for Citrus Propagation
5B-62.012	Source Trees
5B-62.013	Parent Trees
5B-62.014	Foundation Trees
5B-62.015	Scion Trees
5B-62.016	Increase Trees
5B-62.017	Source Tree Registration Certificate
5B-62.018	Procedure for Identifying and Recording Commercial Citrus Nursery Stock

- 5B-62.019 Inter- or Intra-Nursery Movement of Plant Material
- 5B-62.020 Retail Sales
- 5B-62.021 Requirements for Soil Pit Approval
- 5B-62.022 Requirements for Utility and Road Construction
- 5B-62.023 Stop-Sale Notice or Hold Order (DACS-08016)
- 5B-62.024 Release from Quarantine or Withdrawal of Stop-Sale Notice or Hold Order (DACS-08016)
- 5B-62.025 Fees
- 5B-62.026 Citrus Produced for Research Purposes
- 5B-62.027 Exemptions
- 5B-62.028 Citrus Seed
- 5B-62.029 Micropropagation of Citrus Rootstocks and Plants

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. 40, No. 81, April 25, 2014 issue of the Florida Administrative Register.

CHANGES TO THE PROPOSED RULE TEXT:

5B-62.001 Definitions and Purpose.

(1) through (1)(a) No change.

(b) Approved Citrus Nursery Site. A defined area that ~~which~~ meets the certification requirements as prescribed by the Department.

(c) Approved Soil Pit. A soil source used for fill purposes, highway or road construction, or as an ingredient in plant growing or potting media that meets ~~which meet~~ the Department's requirements as to the absence of injurious nematodes of citrus.

(d) through (g) No change.

(h) Certified Citrus Nursery. A nursery that ~~which~~ has been certified by the Department as meeting the requirements for production of citrus nursery stock free of pests of citrus.

(i) through (s) No change.

(t) Citrus Psorosis Virus. A graft-transmissible virus thought to also be transmitted by a soil fungus in the *Olpidium* genus. Mild psorosis A and Severe; psorosis B; are caused by viruses in the *Ophiovirus* genus in the *Ophioviridae* family. Symptoms include bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage and/or eventual tree decline.

(u) through (gg) No change.

(hh) Decline. An unknown disorder that causes citrus trees to become unhealthy ~~unthrifty~~ and show receding vigor, and/or ~~has~~ a significant amount of dieback.

(ii) through (yy) No change.

(zz) Seed Source Tree. A tree that originates from a foundation or parent tree source and is used to supply seed for nursery propagation; must be registered and tested by the department for the seed-transmitted diseases as listed in Rule 5B-62.003, F.A.C. ~~A tree that is registered by a certified nursery and supplies seed for propagation that has been determined by the Department as being horticulturally true to type, seed-transmitted diseases as listed in Rule 5B-62.003, F.A.C., and originated from a foundation or parent tree.~~

(aaa) through (bbb) No change.

(ccc) Tests. Standardized laboratory, biological greenhouse or field plot tests for certain graft-transmissible pathogens before trees are eligible for registration as source trees as contained in the Citrus Budwood Testing Manual, Revised 03/14, as incorporated in Rule 5B-62.004, F.A.C., or approved by the Citrus Budwood Technical Advisory Committee.

(ddd) through (2) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History—New 12-26-06, Amended\_\_\_\_\_.

5B-62.002 Purpose.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History—New 12-26-06, Repealed\_\_\_\_\_.

5B-62.003 Plant Pest Declaration.

No changes to introductory paragraph.

(1) No change.

(2) Nematodes:

(a) through (b) No change.

(3) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended\_\_\_\_\_.

5B-62.004 Manuals.

The Florida Department of Agriculture and Consumer Services' Division of Plant Industry Citrus Nursery Stock Certification ~~Procedure~~ Manual, Revised 08/14 ~~03/14~~, and the Florida Department of Agriculture and Consumer Services' Division of Plant Industry Citrus Budwood Testing Manual, Revised 08/14 ~~03/14~~, are hereby adopted and incorporated by reference. Copies are available from the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881. The Citrus Nursery Stock Certification ~~Procedure~~ Manual, Revised 03/14, is available online at <http://www.flrules.org/Gateway/reference>. The Citrus

Budwood Testing Manual, Revised 03/14 is available online at <http://www.flrules.org/Gateway/reference>.  
 Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended\_\_\_\_\_.

5B-62.005 Forms.

(1) The following documents are hereby adopted and incorporated by reference. These documents may be obtained by writing to the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438, or online as indicated.

(a) Form FDACS-08004, Revised 05/14, Application for Certificate of Registration, <http://www.flrules.org/Gateway/reference>.

(b) Form FDACS-08014, Revised 05/12, Phytosanitary Certificate, <http://www.flrules.org/Gateway/reference>.

(c) Form FDACS-08038, Revised 05/12, Citrus Nursery Stock Movement Report, <http://www.flrules.org/Gateway/reference>.

(d)(~~a~~) Form FDACS-08066, Revised 04/08, Application to Produce Citrus Nursery Stock, <http://www.flrules.org/Gateway/reference>.

(e)(~~b~~) Form FDACS-08071, Revised 03/14, Growers Record of Registered Scion Tree Movement, <http://www.flrules.org/Gateway/reference>.

(f)(~~c~~) Form FDACS-08072, Revised 03/14, Certificate of Source Tree Registration, <http://www.flrules.org/Gateway/reference>.

(g) Form FDACS-08084, Revised 05/12, Application To Introduce Citrus Plants And Citrus Plant Parts, <http://www.flrules.org/Gateway/reference>.

(h)(~~d~~) Form FDACS-08111, Revised 03/14, Certification to Witness Registered Budwood, <http://flrules.org/Gateway/reference>.

(i)(~~e~~) Form FDACS-08172, Revised 03/14, Source Tree Bud Cutting Report, <http://flrules.org/Gateway/reference>.

(j)(~~f~~) Form FDACS-08218, Revised 05/12, Budwood Order Form, <http://www.flrules.org/Gateway/reference>.

(k)(~~g~~) Form FDACS-08274, Revised 05/12, Application and Permit to Plant Citrus Pathogen Infected Stock, <http://www.flrules.org/Gateway/reference>.

(l)(~~h~~) Form FDACS-08298, Revised 03/14, Parent Tree Candidate Entry Form, <http://www.flrules.org/Gateway/reference>.

(m)(~~i~~) Form FDACS-08318, Revised 03/14, Research Facility Compliance Agreement, <http://www.flrules.org/Gateway/reference>.

(n)(~~j~~) Form FDACS-08319, Revised 12/12, Citrus Budwood Bureau Invoice, <http://www.flrules.org/Gateway/reference>.  
 Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended\_\_\_\_\_.

5B-62.006 Citrus Budwood Technical Advisory Committee.

No change.  
 Rulemaking Authority 570.07(23), 581.031(1), (3), (8) F.S. Law Implemented 570.07(2), (~~23~~), 570.0705, 581.031(1), (14), (17), (23) F.S. History—New 12-26-06, Amended\_\_\_\_\_.

5B-62.007 Citrus Nursery Stock Certification Program.

(1) through (2) No change.

(a) Register with the Division of Plant Industry by filling out an Application for Certificate of Registration, FDACS-08004, Revised 05/14 ~~03/14~~, as incorporated in Rule 5B-62.005, F.A.C. ~~5B-2.002, F.A.C.~~

(b) through (c) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History—New 12-26-06, Amended\_\_\_\_\_.

5B-62.008 Requirements for Citrus Nursery Site Approval.

(1) Citrus nursery sites must be a minimum of one mile away from commercial citrus groves and 100 feet away from plants not certified by the department as being free of nematodes listed in Rule 5B-62.003, F.A.C., and free of any exterior, field or container grown plants from all genera, species, and varieties of the Rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae, ~~unless specifically excluded by Rule Chapter 5B-3, F.A.C., or any other rules of the department.~~ Citrus nurseries located on sites prior to April 1, 2006<sub>2</sub> will not be required to comply with the one mile setback from commercial citrus groves while continuously operating at the April 1, 2006<sub>2</sub> location.

(2) through (3) No change.

(4) The site must have designated ~~adequate~~ parking outside the fenced facility.

(5) No change.

(6) The site must have ~~an adequate~~ adequate water supply for irrigation without using surface water ~~for irrigation~~.

(7) through (9) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended\_\_\_\_\_.

## 5B-62.009 Requirements for Citrus Nursery Sanitation.

(1) through (a) No change.

(b) All equipment, ~~if possible~~, should be kept on site.

(2) No change.

(3)(a) Prior to entering the nursery everyone must decontaminate with an ~~approved~~ personal decontamination product as described in the Citrus Nursery Stock Certification Manual, Revised 03/14, and wear a clean garment provided by the nursery. A link to a recommended list of products is found in the Citrus Nursery Stock Certification Manual. If gloves are worn, they must be disposable gloves or decontaminated each day and kept on site.

(b) All persons entering a registered citrus nursery structure ~~or soil storage area~~ as specified in Rule 5B-62.010, F.A.C., or a soil storage area shall walk through a sanitizing foot bath containing a decontaminant ~~that is approved by the department~~, such as copper sulfate or equivalent product labeled for such purposes use by the United States Environmental Protection Agency.

(4) All plants, plant parts (except seed), soil, peat, sawdust, mulch, manure or other plant-growing or potting media entering the approved site for the production of commercial citrus nursery stock must be accompanied by a letter issued by the department indicating that the product is free from the burrowing nematode *Radopholus similis*.

(5) through (13) No change.

Rulemaking Authority 570.07(23), 581.031(1), 581.1843(3) FS. Law Implemented 570.07(13), 581.031(1), (6) FS. History–New 12-26-06, Amended \_\_\_\_\_.

## 5B-62.010 Requirements for Citrus Nursery Structure.

(1) No change.

(2) All newly propagated commercial and dooryard citrus nursery stock and all budwood source trees must be maintained in a structure at an approved site as follows:

(a) through (b) No change.

(c) If the integrity of the structure is compromised or breached, the citrus nursery stock shall be subject to immediate quarantine action and will not be eligible for certification until released from quarantine by the department after a risk evaluations as set forth in subsection 5B-62.024(2), F.A.C.

(d) Citrus nursery stock may be moved from one structure into another structure on the same site provided the plants are in the process of being actively relocated and are not subjected via open air exposure to citrus pests and diseases.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History–New 12-26-06, Amended \_\_\_\_\_.

## 5B-62.011 Requirements for Citrus Propagation.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

## 5B-62.012 Source Trees.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

## 5B-62.013 Parent Trees.

No change to Introductory Paragraph.

(1) Prospective parent trees. As a prerequisite to entry into the program, the person entering the parent tree for consideration must provide a brief history or background of the selection that includes the location of the tree from which the testing material is taken ~~from~~.

(2) through (3) No change.

(4) The parent tree or shoot-tip graft shall have tested negative for all the endemic diseases listed in paragraph Rule 5B-62.003(3)(b), F.A.C.

(5) No change.

(6) Parent trees will not be used for a source of propagating material; rather the tested registered propagation from the parent tree or shoot-tip graft will be the source material of the parent tree clone to be used to establish foundation or scion trees.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

## 5B-62.014 Foundation Trees.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History–New 12-26-06, Amended \_\_\_\_\_.

## 5B-62.015 Scion Trees.

No change to introductory paragraph.

(1) through (2) No change.

(3) Scion trees on which annual registration fees are not paid shall be removed from the protected greenhouse within 30 days of the second notification from the department.

(4) Scion trees found infected with a pathogen shall be removed from the protected greenhouse within 10 days of notification of test results from the department.

(5) through (6) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.016 Increase Trees.

No change to introductory paragraph.

(1) through (6) No change.

(7) Increase trees found infected with a pathogen shall be removed from the protected greenhouse within 10 days of notification of test results from the department.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.017 Source Tree Registration Certificate.

(1) through (7)(c) No change.

(d) ~~Unhealthy Unthrifty~~ plantings or substandard trees are restored to a healthy condition.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.018 Procedure for Identifying and Recording Commercial Citrus Nursery Stock.

Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Movement Report, FDACS-08038, Revised 05/12, as incorporated in Rule 5B-62.005, F.A.C., ~~5B-2.010, F.A.C.~~, at the time of delivery.

(1) through (3) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.019 Inter- or Intra-Nursery Movement of Plant Material.

(1) Commercial Citrus trees cannot leave a nursery without a Citrus Nursery Stock Movement Report, FDACS-08038, Revised 05/12 as incorporated in Rule 5B-62.005, F.A.C. ~~Rule 5B-2.010, F.A.C.~~

(2) through (5) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.020 Retail Sales.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.021 Requirements for Soil Pit Approval.

No change.

Rulemaking Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031(1),(6), ~~581.031(6)~~ FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.022 Requirements for Utility and Road Construction.

No change.

5B-62.023 Stop-Sale Notice and Hold Order.

(There is a non-substantive change to this Rule to strike through the hyphen in each instance of “Stop-Sale”. The hyphen is coded, however, difficult to see.)

A Stop-Sale Notice and Hold Order, FDACS-08016, Revised 02/10, as incorporated by reference in Rule 5B-65.005, F.A.C., shall be issued for the following reasons:

(1) through (8) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.024 Release from Quarantine or Withdrawal of Stop-Sale Notice and Hold Order.

(There is a non-substantive change to this Rule to strike through the hyphen in each instance of “Stop-Sale”. The hyphen is coded, however, difficult to see.)

(1) Trees shall be released from a Stop-Sale and Hold Order, FDACS-08016, Revised 02/10, as incorporated by reference in Rule 5B-65.005, F.A.C., once conditions causing the Stop-Sale and Hold Order have been corrected and ~~or~~ any the pathogen threat has been found not to present a risk after evaluation by department scientists.

(2) Risk evaluation shall be based on:

(a) Deficiencies existing ~~existed~~ prior to correction within the past two years.

(b) through (k) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23) FS. History–New 12-26-06, Amended \_\_\_\_\_.

5B-62.025 Fees.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended \_\_\_\_\_.



5B-62.026 Citrus Produced for Research Purposes.

No change to introduction paragraph.

(1) through (3) No change.

(4) Research facilities shall sign a ~~Compliance Agreement~~ – Research Facility Compliance Agreement, FDACS-08318, Revised 03/14, as incorporated in Rule 5B-62.005, F.A.C.

(5) No change.

(6) Evaluation material originating from citrus breeding programs can be propagated and replanted on the originating site without testing the material for diseases contained in Rule 5B-62.003, F.A.C., provided such material is replanted within 18 months of being moved from the initial site. ~~Citrus breeding programs that propagate and replant evaluation material back on the site from which the material originated without testing the material for diseases contained in Rule 5B-62.003, F.A.C., shall be replanted within 18 months of being moved from the original site.~~ If top-worked, the buds must be top-worked directly back to the original site where the budwood source tree is located and not moved from the tree space where top-worked. Evaluation material cannot be planted in areas other than the original site without being tested for endemic vectored diseases contained in Rule 5B-62.003, F.A.C. Such evaluation material shall be propagated within a citrus nursery structure in accordance with Rule 5B-62.010, F.A.C., isolated from any citrus plant material intended for off-site planting.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended\_\_\_\_\_.

5B-62.027 Exemptions.

No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New 12-26-06, Amended\_\_\_\_\_.

5B-62.028 Citrus Seed.

No change to introductory paragraph.

(1) through (6) No change.

(7) Seed source trees not originating from registered stock must ~~enter the parent tree testing program and be parent-tree~~ tested and found free of seed transmissible pathogens listed in Rule 5B-62.003, F.A.C.

(8) Seed used in commercial citrus nurseries must be treated to prevent the spread of pathogens as defined by subsection 5B-62.028(13), F.A.C.

(9) through (10) No change.

(11) Fruit rinds culled from the extraction process must be removed from the area prior to seed treatment and drying and all personnel/vehicles handling the fruit shall be decontaminated.

(12) through (15) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), ~~570.0705~~, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New\_\_\_\_\_.

5B-62.029 Micropropagation of Ceitrus Rootstocks and Plants.

No change.

Rulemaking Authority 570.07(23), 581.031(1), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History–New\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: RULE TITLE:

5E-2.031 Pesticide Registration; Exemptions from Registration; Experimental Use Permits  
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. 40, No. 127, July 1, 2014 issue of the Florida Administrative Register.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.031 Pesticide Registration; Exemptions from Registration; Experimental Use Permits.

(1)(a) through (d) No change.

(e) The department will waive specific data requirement provisions of this rule for registration of products for which such data requirements are not pertinent to risk assessment procedures or for those applications for registration for which the department possesses a sufficient data base. The United States Environmental Protection Agency (EPA) “exclusive use of data” provisions of Section 3(e)(1)-(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), September 28, 2012, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx> shall be recognized.

(2) Applications for Registration.

(a) Applications for Registration shall contain necessary scientific evidence in the form of data summaries accurately reflecting all scientific documents submitted to the U.S. Environmental Protection Agency (EPA) in support of federal registration under Section 3, FIFRA as adopted in paragraph (1)(e) of this rule.

(b) Upon determination that submitted data summaries are inadequate to complete public health and environmental assessments, the department shall require applicants or registrants to submit or generate additional data, as specified by

the department, and by methods approved by the department. For standard tests, methods shall be those approved by the EPA in 40 CFR 158, August 26, 2014, which is incorporated by reference herein at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx>.

(3) Review of applications for registration shall consider, where applicable, criteria in the data summaries, including ~~but not limited to:~~

(a) through (b) No change.

(c) Environmental fate data, which shall describe the pesticide's behavior under Florida conditions or under laboratory or field protocol which adequately represents and reflects actual Florida hydrogeologic conditions. Environmental chemistry data shall include, ~~but is not limited to,~~ information regarding physical and chemical degradation, metabolic transformation, persistence (half-life), bioaccumulation potential, and mobility of the pesticide. Degradation and metabolism data shall describe the behavior of the parent compound and degradation products, contaminants and impurities of toxicological concern in soil and water, under aerobic and anaerobic conditions.

(d) Residue chemistry data which ~~adequately~~ describes pesticide residues detected or in or on applicable crops, processed foods and animal feed in accordance with the provisions of 40 CFR 158, as adopted in paragraph (2)(b) of this rule. Registrants shall, where applicable, submit methodology for determination of residues in soil and water (groundwater). Analytical methodology provided by the applicant for determination of residues must be acceptable to the department.

(e) No change.

(4) The department shall consider data from authoritative sources in making determinations regarding a pesticide's impact on public health and the environment. "Authoritative sources" include pesticide experts in the United States (US) Environmental Protection Agency's Office of Pesticide Programs, U.S. Fish and Wildlife Services, U.S. Food and Drug Administration, Centers for Disease Control and Prevention, pesticide registrants, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Health, the University of Florida's Institute of Food and Agricultural Sciences, the Florida Fruit and Vegetable Association, the Florida Fertilizer and Agricultural Association, and the University of Florida's County Extension Offices. Within the department, the Bureau of Scientific Evaluation and Technical Assistance Pesticides shall identify those areas of concern for which further testing is needed.

(4)(a) No change.

(b) When it is determined by the department Pesticide Review Council that it is necessary that the applicant or registrant conduct Florida field testing of a restricted-use

pesticide, that applicant or registrant shall apply to the department for an Experimental Use Permit. During the period of experimentation, the department may deny, revoke, suspend or conditionally accept the registration.

(5) No change.

(6) The department, upon preliminary review of application data shall promptly register products accepted by the EPA under FIFRA, Section 3, as adopted in paragraph (1)(e) of this rule, provided submitted data are adequate to address Florida-specific concerns. The Bureau of Scientific Evaluation and Technical Assistance Pesticides, within 90 days of receipt of complete data summaries, shall:

(a) Fully approve the registration; or

(b) Conditionally register the product subject to generation and submission of data designated by the Bureau of Scientific Evaluation and Technical Assistance Pesticides within the department or require that certain restrictions or limitations be placed on the use or sale of the pesticide in Florida. Such restrictions or limitations shall be described to the applicant or registrant by the department as part of this notification; or

(c) Notify the applicant or registrant of intent to deny registration, and the basis for denial, pursuant to Chapter 120, F.S.

~~(d) Submit registration application to the Pesticide Review Council for determinations by the Department Council relative to field testing of restricted use pesticides or other concerns designated by the department.~~

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

~~(e) Registration of the product may be accepted or held in abeyance, as determined by the department, pending promulgation of such rules or amendments.~~

(8) through (10) No change.

(11)(a) Applicants for new or amended pesticide brand registration must shall submit electronically an electronic application and any pesticide registration fees, including supplemental fees and late fees via the Department's online payment website at [www.FreshFromFlorida.com](http://www.FreshFromFlorida.com). An applicant will be required to submit online at this website the following information for registration of a new or amended pesticide product brand: the name of the applicant, including whether it is a division or subsidiary and if so, the name of the parent company; the business mailing address and business street address of the applicant; the name of the primary contact person for the applicant and contact information, including e-mail address, telephone number and fax number; the product name and the EPA/Florida number; the registration type; the signal word for the product; and the registration year. Upon completion of this transaction, a confirmation of payment letter shall be mailed to the Florida Department of Agriculture and Consumer Services, Bureau of ~~Pesticides~~ Scientific Evaluation and Technical Assistance, 3125 Conner Boulevard, Building 6,

MS L6, Tallahassee, Florida 32399-1650 together with the following documents:

1. One final printed label (that which appears on the product container);
2. One EPA stamped accepted label including a copy of any EPA comment, notification and amendment letter(s) issued in connection with acceptance of the label;
3. One ~~Material~~ Safety Data Sheet (MSDS) as defined in Section 487.2031, F.S., which includes a statement of emergency treatment;
4. For sub-registrations, the information required in item 2. above must be obtained from or submitted by the manufacturer along with the EPA form entitled, "Notice of Supplemental Distribution of a Registered Pesticide Product" (EPA Form 8570-5, (Rev. 8-94) which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx> <http://www.epa.gov/opprd001/forms/8570-5.pdf> or.

(b) Applicants for pesticide brand product re-registration must ~~shall~~ submit electronically an electronic application for re-registration via the Department's online payment website at [www.FreshFromFlorida.com](http://www.FreshFromFlorida.com). The applicant will be required to submit the same information online set forth in paragraph (11)(a) of this rule as an applicant for a new or amended product brand registration.

Rulemaking Authority 487.041, 487.051(2), 570.07(23) FS. Law Implemented 487.041, 487.042, 487.051(2), ~~487.0615~~ FS. History—New 2-20-85, Formerly 5E-2.31, Amended 8-2-89, 7-18-95, 8-26-10, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09441  
RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 40, No. 167, August 27, 2014 Florida Administrative Register has been continued from September 29, 2014 to November 18, 2014.

**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

NOTICE IS HEREBY GIVEN that on September 23, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tropic Sun Towers. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-349).

A copy of the Petition for Variance or Waiver 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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for a Variance from University Park, filed September 3, 2014, and advertised on September 5, 2014, in Vol. 40, No. 173, 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 2.20.4, 2.18.5.1, and 2.24.2.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a 9.5 mm steel rope and requirement of a metallic sheave 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 (VW2014-321).

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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Residence at Blue Water Bay, filed September 15, 2014, and advertised on September 16, 2014, in Vol. 40, No. 180, 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 2.20.4, 2.18.5.1, and 2.24.2.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of a 9.5 mm steel rope and requirement of a metallic sheave 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 (VW2014-336).

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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Trinity Lutheran, filed September 8, 2014, and advertised on September 16, 2014, in Vol. 40, No. 180, 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 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3)ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm 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 (VW2014-330).

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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Peace River Water Facility, filed September 9, 2014, and advertised on September 16, 2014, in Vol. 40, No. 180, 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 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3)ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm 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 (VW2014-333).

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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Naples Beach Hotel, filed September 15, 2014, and advertised on September 16, 2014, in Vol. 40, No. 180, 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 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm 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 (VW2014-337).

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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Mercantile Bank Plaza, filed September 15, 2014, and advertised on September 16, 2014, in Vol. 40, No. 180, 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 3.11.3 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations 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 (VW2014-338).

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 September 24, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from The Beach Condo, filed September 8, 2014, and advertised on September 16, 2014, in Vol. 40, No. 180, 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 3.11.3 and 3.11.1 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations and car emergency signaling devices 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 (VW2014-331).

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 September 24, 2014, the Department issued a Final Order that was in response to a Petition for Variance from Tampa Convention Center, filed September 2, 2014, and advertised on September 5, 2014 in Vol. 40, No. 173, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 6.1.6.9.2 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code; petitioner requested a variance to allow advertising signs on the escalators because the Petitioner has not demonstrated that the purpose of the underlying statute has been met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-316).

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, (850)488-1133.

Section VI

Notice of Meetings, Workshops and Public Hearings

STATE BOARD OF ADMINISTRATION

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

DATE AND TIME: Monday, October 13, 2014, 9:00 a.m. – 12:00 Noon (EDT)

PLACE: Hermitage Room, First Floor, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the Audit Committee to discuss audits and agreed-upon-procedures of the Real Estate entities and the triennial GRC assessment.

A copy of the agenda may be obtained by contacting: Elizabeth Scott, (850)413-1248, email: Elizabeth.Scott@sbafla.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: James Linn, (850)413-1166, email: James.Linn@sbafla.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).

**PUBLIC SERVICE COMMISSION**

**RULE NOS.:RULE TITLES:**

- 25-30.029 Legal Description Of Service Area
- 25-30.030 Notice of Application
- 25-30.032 Applications
- 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges
- 25-30.034 Application for Certificate of Authorization for Existing Utility Currently Charging for Service
- 25-30.035 Application for Grandfather Certificate
- 25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service
- 25-30.037 Application for Authority to Transfer
- 25-30.038 Application for Transfer to a Governmental Authority
- 25-30.039 Application for Name Change
- 25-30.090 Abandonments

The Florida Public Service Commission announces a workshop to which all persons are invited.

DATE AND TIME: October 21, 2014, 9:30 a.m.

PLACE: Room 105, Gerald L. Gunter Bldg., 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters related to certificates of authorization for Public Service Commission regulated water and wastewater utilities.

One or more Commissioners may be in attendance and participate in the workshop.

Undocketed.

A copy of the agenda and materials for the workshop will be posted on the Commission’s website: [www.floridapsc.com](http://www.floridapsc.com), on October 7, 2014.

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: Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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: Kathryn G.W. Cowdery, (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

**REGIONAL PLANNING COUNCILS**

**Apalachee Regional Planning Council**

The District 2 Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2014, 10:00 a.m., ET

PLACE: Tallahassee/Leon Public Safety Complex, 911 Easterwood Drive, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular quarterly meeting of the District 2 Local Emergency Planning Committee (LEPC).

A copy of the agenda may be obtained by contacting: Chris Rietow, ARPC, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, [CRietow@thearpc.com](mailto:CRietow@thearpc.com) or (850)488-6211, ext. 102.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

DATE AND TIME: Wednesday, October 8, 2014, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District’s Governing Board may also attend the meeting.

A copy of the agenda may be obtained by contacting: [teri.rhodes@watermatters.org](mailto:teri.rhodes@watermatters.org), 1(800)836-0797 (FL only) or (813)985-7481, ext. 4476.

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: SWFWMD Human Resources, 1(800)423-1476 (FL only), or (352)796-7211, ext. 4702. 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 BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

The Florida Building Commission, “The Commission”, Accessibility Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2014, 2:00 p.m. until completion

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar. Please note that this information has changed to reflect a new vendor and is different than past Commission webinars. The “voice-over-internet-protocol” feature will not be used for this meeting and you must dial in using the telephone number indicated below.

To access the webinar go to <https://global.gotomeeting.com/join/245586269>. You may call in to participate by audio only or in conjunction with the webinar. Use the following numbers to call in using your telephone:

United States: 1 (224)649-0001; access code: 245-586-269; audio pin: shown after joining the meeting; meeting ID: 245-586-269

Public point of access: Florida Building Commission, Office of Codes and Standards, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and provide recommendations to the Commission regarding requests for waivers (as listed below) and other business for the Commission in accordance with the Council's agenda.

1. Kappa Delta Sorority House, 555 West Jefferson Street, Tallahassee
2. Epic Theatres, Lot Adjacent to HH Gregg, 8380 Merchants Way, Jacksonville
3. The Temple House, 1415 Euclid Avenue, Miami Beach
4. Alpha Gamma Delta Porch Enclosure, 517 West Park Avenue, Tallahassee
5. Venezia Hotel, 3865 Indian Creek Drive, Miami Beach
6. Honda of Port Charlotte, 1252 Tamiami Trail, Port Charlotte
7. Ave Maria University Press Box, 4811 Kelleher Street, Ave Maria
8. Collins Park Hotel, 2000 Park Avenue and 2035 Washington Avenue, Miami Beach
9. DeVine Wine and Grill, 15 Alafaya Woods Boulevard, Suite 117, Oviedo
10. Polk State College Center for Public Safety, 1251 Jim Keene Boulevard, Winter Haven

A copy of the agenda may be obtained by contacting: Ms. Mary Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1824 or visit our website at [www.floridabuilding.org](http://www.floridabuilding.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: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399-2100, (850)487-1824 or fax: (850)414-8436. 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: Ms. Mary Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1824 or visit our website at [www.floridabuilding.org](http://www.floridabuilding.org).

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission Education Program Oversight Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, October 6, 2014, 10:00 a.m.

**PLACE:** Meetings to be conducted using communications media technology; you must access webinar for video only and teleconference number for audio. Please note that this information has changed to reflect a new vendor and is different than past Commission webinars. The "voice-over-internet-protocol" feature will not be used for this meeting and you must dial in using the telephone number indicated below.

To access the webinar go to <https://global.gotomeeting.com/join/589043973>. You may call in to participate by audio only or in conjunction with the webinar. Use the following numbers to call in using your telephone:

United States: 1(224)649-0001; access code: 589-043-973; audio pin: shown after joining the meeting; meeting ID: 589-043-973

Public point of access: 1940 North Monroe Street, Room 90, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discuss "accreditor" and "course" applications for recommendation to the Florida Building Commission and other matters in accordance with the meeting agenda.

A copy of the agenda may be obtained by contacting: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation Affairs, 1940 North Monroe Street, Tallahassee, Florida 32399-0772; by calling (850)487-1823 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

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: Ms. Barbara Bryant, Building Codes and Standards

Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. 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: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1823 or fax: (850)414-8436, website: <https://floridabuilding.org/c/default.aspx>.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2014, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399, call-in information: 1(888)670-3525, passcode: 589 307 4134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting to discuss Forensics housing and service delivery initiatives.

A copy of the agenda may be obtained by contacting: <http://apd.myflorida.com/publications/legal/> or by contacting: Tracey Tolbert, (850)488-4358, [Tracey.Tolbert@apdcares.org](mailto:Tracey.Tolbert@apdcares.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 72 hours before the workshop/meeting by contacting: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358. 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: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358, [Tracey.Tolbert@apdcares.org](mailto:Tracey.Tolbert@apdcares.org).

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press: 7015398451 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Employment and Self-Sufficiency Committee call. This call was previously noticed in Vol. 40, No. 182, F.A.R., on September 18, 2014.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2014, 2:00 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press: 7015398451 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuum of Care Committee Call. This call was previously noticed in Vol. 40, No. 182, F.A.R., on September 18, 2014.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.



DATE AND TIME: October 8, 2014, 10:00 a.m.  
PLACE: Conference call toll-free: 1(888)670-3525, press: 7015398451 then #  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Affordable Housing Committee call. This call was previously noticed in Vol. 40, No. 181, F.A.R., on September 17, 2014.  
A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness  
RULE NO.: RULE TITLE:  
65I-1.006 Program Administration  
The Department of Children and Families announces a public meeting to which all persons are invited.  
DATE AND TIME: October 2, 2014, 10:00 a.m., cancelled  
PLACE: NA, this is a cancellation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Awareness and Outreach Committee call. This call was previously noticed in Vol. 40, No. 181, F.A.R., on September 17, 2014.  
A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness  
RULE NO.: RULE TITLE:  
65I-1.006 Program Administration  
The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2014, 2:00 p.m.  
PLACE: Conference call toll-free: 1(888)670-3525, press: 7015398451 then #  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee call. This call was previously noticed in Vol. 40, No. 181, F.A.R., on September 17, 2014.  
A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

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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: October 9, 2014, 1:30 p.m.  
PLACE: Rick Seltzer Conference Room, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329  
The meeting will be accessible via phone: 1(888)339-2688, participant code: #729 242 79  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Housing Finance Corporation (the Corporation) was appropriated \$10 million in grant funds by the 2014 Legislature for housing for Persons with Developmental Disabilities as defined in Section 393.063, Florida Statutes. This Request for Applications (RFA) will make \$3 million in grant funding, up to \$1 million in additional loan funds, and up to an estimated \$2.3 million of Housing Credit Allocation available for award to proposed developments funded for the first time under this RFA. An additional \$3 million in grant funding will also be made available to proposed Developments that were awarded funding in RFA 2013-004, but have not yet closed on that award due to outstanding construction loans or other shortfalls discovered in the credit underwriting process.  
A copy of the agenda may be obtained by contacting: Jean Salmonsén at (850)488-4197.

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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).

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.

**FLORIDA HOUSING FINANCE CORPORATION**

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

DATE AND TIME: October 6, 2014, 1:30 p.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

The meeting will be accessible via phone: 1(888)339-2688, participant code #: 298 047 94

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Housing Finance Corporation (the Corporation) was appropriated \$10 million in non-recurring grant funds by the 2013 Legislature for housing for Persons with Developmental Disabilities as defined in Section 393.063, F.S. This Request for Applications (RFA) will make \$4 million of that funding available for financing small Permanent Supportive Housing Developments consisting of no more than four (4) Units.

The legislation specifies that the Corporation will offer the funding through a competitive grant program to private Non-Profit organizations that have a primary mission which includes serving Persons with Developmental Disabilities. Funding must be used for new construction and renovation of existing housing Units, including Community Residential Homes as defined in Section 419.001, F.S.

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

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

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.

**URS CORPORATION – MIAMI**

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

DATE AND TIME: Thursday, October 2, 2014, 6:00 p.m. – 8:00 p.m.

PLACE: Highland Oaks Park Recreation Center, 20300 NE 24 Avenue, Miami, Florida 33180

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** NE 203rd Street and NE 215th Street Intersection Improvements Between US-1 and West Dixie Highway Project Development & Environment (PD&E) Study; Project Advisory Group (PAG) Meeting # 1.

A copy of the agenda may be obtained by contacting: Fabiana Gonzalez, P.E., Project Manager, Florida Department of Transportation, 1000 NW 111 Avenue, Room 6247, Miami, Florida 33172, (305)470-5183, Fabiana.Gonzalez@dot.state.fl.us.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Talent Agency Licensing Unit of the Department of Business and Professional Regulation has received the petition for declaratory statement from Invincible Records. The petition seeks the agency’s opinion as to the applicability of Chapter 468, part VII, F.S., as it applies to the petitioner.

Petitioner – a record label that does not procure employment or engagement for its sole act – asks if it is required to be licensed under the above statutes. Second, if required to be licensed, whether the license of a major shareholder/partner would satisfy the requirement.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Department of Business and Professional Regulation, Agency Clerk’s Office, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2202, Telephone: (850)921-0342, email: AGC.Filing@myfloridalicense.com.

Please refer all comments to: John MacIver, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062.

Except for good cause shown, motions for leave to intervene must be filed within 21 days of this notice.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

## Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that The Department of Business & Professional Regulation, Division of Drugs, Devices, and Cosmetics has issued an order disposing of the petition for declaratory statement filed by Michael J. Glazer, Ausley McMullen, Post Office Box 391, 123 South Calhoun Street, Tallahassee, Florida 32301, on behalf of H.D. Smith Wholesale Drug Company on June 24, 2014. The following is a summary of the agency's disposition of the petition:

The Petitioner is substantially affected by the statutes and rules cited in paragraphs 11A-G above and has standing to seek a declaratory statement from the department. The Department is authorized to enforce the provisions of Chapter 499, Florida Statutes, and the administrative rules adopted pursuant to the statute. Prior to November 27, 2013, the provisions of Chapter 499, Florida Statutes and of the Florida Administrative Code cited in paragraphs 11A-G above, were interpreted by the Department to require a prescription drug pedigree to be provided by the wholesale distributor prior to or simultaneously with the distribution of a prescription drug; the pedigree had to include the information enumerated in the statute; the pedigree paper had to be authenticated in one or more of the ways set forth in paragraph 61N-1.013(5)(d), F.A.C.; electronic pedigrees had to be authenticated according to that rule; if a pedigree could not be authenticated, the prescription drugs had to be quarantined and the Department notified; returns of drugs from a pharmacy, health care entity or licensed health care practitioner that were the result of a mistake in ordering or shipment need not be included in a pedigree; returns not in that category had to be included in a pedigree and had to otherwise comply with paragraph 61N-1.012(3)(f), Florida Administrative Code. Effective November 27, 2013, the Drug Quality and Security Act (DQSA) was signed into law. The Act is comprised of Title I, the Compounding Quality Act, and Title II, the Drug Supply Chain Security Act. The DQSA Title II requires a uniform national system for tracking and tracing prescription drugs through the supply chain, and a uniform licensing system for prescription drug wholesale distributors, repackagers, and third party logistics providers. The Act applies to human finished dosage forms of prescription drugs only. The DQSA contains preemption language regarding tracking and tracing prescription drugs through the supply chain and regarding licensing of prescription drug manufacturers, wholesale distributors, and third party logistics providers. Currently, wholesale distributors are still required to obtain a permit from the Department to operate in this state, and to be in compliance with federal law. See, Sections 582-585, Drug Quality and Security Act. The preemption language in Section 585 of the Act as cited in paragraph 12 above, makes it clear

that states may not establish or continue in effect any requirement for tracing products through the distribution system (including any requirement with respect to statements of distribution history, transaction history, transaction information, or transaction statement of a product as the product changes ownership in the supply chain, or verification, investigation, disposition, notification or recordkeeping relating to such systems, including paper or electronic pedigree systems or for tracking and tracing drugs throughout the distribution system) which are inconsistent with, more stringent than, or in addition to, any requirements applicable under section 503(e) (as amended by such Act). The Department has previously taken the position that the Florida pedigree requirements are preempted by the federal law. See, Declaratory Statement, In Re Petition for Declaratory Statement, Publix Supermarkets, Inc., Petitioner, Declaratory Statement Case Number DS2014-007. The DQSA does not have any specific references to or provisions requiring authentication. The Department takes the position that the Florida requirements for authentication are inconsistent with, more stringent than or in addition to the requirements in the amended federal law, and are preempted. With respect to returns, the provisions of the DQSA categorizes returns from dispensers and those from a wholesale distributor differently, and requires no transaction history, transaction statement, or transaction information for most returns. By contrast, the Florida provisions on returns require information to be included in a pedigree except in limited circumstances set forth in Florida Administrative Code paragraph 61N-1.012(3)(f), F.A.C. Because the provisions for returns under Florida law are inconsistent with, and more stringent than, the provisions in the DQSA, those provisions are preempted as well. The amended federal tracking and tracing requirements become effective January 1, 2015. The Department has previously taken the position that in the interim period before the effective date of the tracking and tracing requirements of the provisions of the DQSA, current federal minimum standards for wholesale distribution of prescription drugs, set forth in 21 C.F.R. §203, the Prescription Drug Marketing Act (PDMA), are applicable, and states may enforce those requirements of the PDMA. See, Declaratory Statement, In Re Petition for Declaratory Statement, Publix Supermarkets, Inc., Petitioner, Declaratory Statement Case Number DS2014-007. However, Petitioner asserts that it is an authorized distributor of record, and the PDMA, by its terms, does not address requirements for documenting the movement of prescription drugs for those in Petitioner's status as an authorized distributor of record. In addition, the PDMA does not address returns of prescription drug product. It is not clear how Petitioner is to handle tracking and tracing requirements for distributions or returns in the interim period. While Petitioner implies that the grandfathering

product provision of the DQSA operates retroactively to govern Petitioner’s distributions that occur prior to January 1, 2015, the Department cannot address the applicability of the DQSA provisions to Petitioner’s facts. However, as discussed above, the Department will not pursue administrative enforcement action against Petitioner if Petitioner does not comply with pedigree, authentication and returns requirements. Accordingly, applying the foregoing to Petitioner’s facts, Petitioner’s request for a declaratory statement is answered as follows: A. The Department will not pursue an administrative enforcement action against HDS if HDS does not comply with the pedigree and authentication requirements of Section 499.01212, Florida Statutes, and Rule 61N-1.013, Florida Administrative Code. B. The Department will not pursue an administrative enforcement action against HDS if HDS does not comply with the return requirements set forth in Florida Administrative Code Rule 61N-1.012, F.A.C. C. Nothing herein shall be construed as affecting or negating requirements of federal law for wholesale distribution of prescription drugs as such requirements apply to Petitioner.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Division of Drugs, Devices and Cosmetics, Dinah Greene, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047.

Please refer all comments to: Reggie Dixon, Division 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).

**DEPARTMENT OF HEALTH**

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that the Board Massage Therapy has received the petition for declaratory statement from Janet Hardy, on September 24, 2014. The petition seeks the agency’s opinion as to the applicability of Sections 480.003 and 480.046, F.S., as they apply to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board as to whether manipulation of the soft tissues on the pelvic floor would be within the scope of the definition of “massage” in Section 480.003, Florida Statutes, without violating the grounds for disciplinary action as described in Section 480.046, Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, [christy.robinson@flhealth.gov](mailto:christy.robinson@flhealth.gov).

**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 Florida

Notice of Bid

The University of Florida, Purchasing Services will receive sealed bids for the following: ITB15MB-111, Biotechnology Bldg#1040 Roof Replacement, estimated budget: Lot 1/Base Bid 1 (Shingles) \$138,000.00 and/or Base Bid 2/Lot 2 (Standing Seam) \$275,000.00 to be opened on Thursday, October 23, 2014, at 3:00 p.m., at University of Florida, Purchasing Services, 971 Elmore Drive, 101 Elmore Hall Conference Room, Gainesville, FL. Scope of Work: The work includes the roof replacement of 23,000 sf of three tab roof shingles as Lot 1 and replacement of the existing three tab shingles with a standing seam roof as Lot 2 as described in Summary of Work in bid document. Each lot will be looked at independently of other lots to determine which contractor will be awarded or if the award will be made at all in the best interest

of the University of Florida. Bear in mind that only either Lot 1 or Lot 2 will be awarded and not both.

Mandatory pre-bid meeting will be held on Thursday, October 9, 2014, at 10:00 a.m., at the University of Florida Biotechnology Bldg. 1040, 14205 Research Drive, Alachua, FL 32615. It will be the sole responsibility of the attendees to allow sufficient time to ensure prompt attendance. Bidders will not be allowed to walk on the roof as it has loose granules. Questions should be directed to Mercedes Bongiovanni, mbongio@ufl.edu or (352)392-1331, ext. 210. For more information, visit [www.purchasing.ufl.edu](http://www.purchasing.ufl.edu). AMERICANS WITH DISABILITY ACT OF 1991 - If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

**REGIONAL UTILITY AUTHORITIES**

Withlacoochee Regional Water Supply Authority  
**WITHLACOOCHEE REGIONAL WATER SUPPLY  
 AUTHORITY**  
**REQUEST FOR IRRIGATION AUDIT CONTRACTOR  
 PROPOSAL (N640)  
 REQUEST FOR QUOTES**

The Withlacoochee Regional Water Supply Authority (WRWSA) is requesting quotes (RFQ) from consultants to provide residential irrigation system evaluations. This is part of a water conservation program combining irrigation system recommendations and education to individual homeowners of the three participating utilities: Citrus County Water Resources; Hernando County Utilities; and Marion County Utilities. SWFWMD is anticipated as a cooperater and to co-fund this work effort through the Cooperative Funding Initiative.

Firms or individuals providing professional services must demonstrate compliance with all rules and regulations as may be applicable for specific projects.

An information packet containing details of the project and the RFQ submittal requirements is available upon request from Nancy H. Smith at:

Withlacoochee Regional Water Supply Authority  
 3600 W. Sovereign Path, Suite 228  
 Lecanto, Florida 34461  
 (352)527-5795  
[nsmith@wrwsa.org](mailto:nsmith@wrwsa.org)

Consultant selection will be in accordance with Section 287.055, Florida Statutes, the Consultants' Competitive Negotiation Act. Firms desiring to provide these professional services to the Authority must submit five (5) paper copies, and five (5) electronic PDF copies of their RFQ in accordance with the requirements contained in the information packet to the attention of Nancy H. Smith at the address listed above no later than 2:00 p.m. local time, October 29, 2014.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**BDC17-14/15 – Nature Coast State Trail – Suwannee River  
 Bridge Abutment Repairs**

**NOTICE OF INVITATION TO BID:** The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC17-14/15 Nature Coast State Trail – Suwannee River Bridge Abutment Repairs. More info @ <http://tinyurl.com/BDC17-14-15>.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**State Revolving Fund Program**

**NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE  
 MIAMI-DADE COUNTY**

The Florida Department of Environmental Protection (DEP) has determined that the Miami-Dade County project involving construction of 90,000 linear feet of water distribution piping is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$24,200,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Paul Brandl, SRF Program, Department of Environmental Protection, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400, calling (850)245-8373 or emailing [paul.brandl@dep.state.fl.us](mailto:paul.brandl@dep.state.fl.us).

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 25, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Cristine Townsend Kitchings, R.N., License #: RN 9312612. 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 (2012-2014). 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.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 25, 2014, State Surgeon General issued an Order of Emergency Restriction of Certificate with regard to the certificate of Ina Maud Thompson, C.N.A., Certificate #: CNA 22768. 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 (2012-2014). 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.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On September 25, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Shawn Anderson Smith, R.N., License #: RN 9220944. 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 (2012-2014). 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.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-14-137

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-14-137 on September 23, 2014, in response to an application submitted by the Harbour Villa Townhouse Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.Zimmer@DEO.MyFlorida.com](mailto:Katie.Zimmer@DEO.MyFlorida.com).

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.