

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

**DEPARTMENT OF FINANCIAL SERVICES**

**FSC - Financial Institution Regulation**

RULE NO.: RULE TITLE:  
69U-100.045 Examination Manuals and Referenced Standards

PURPOSE AND EFFECT: The amendment will update the rule to incorporate the current version of the Federal Deposit Insurance Corporation, DSC Risk Management Manual of Examination Policies by reference.

SUBJECT AREA TO BE ADDRESSED: Financial Institution Regulation.

RULEMAKING AUTHORITY: 655.012(2) FS.

LAW IMPLEMENTED: 655.045 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: Leslie Bryson, Assistant General Counsel, Division of Financial Institutions, (850)410-9543, leslie.bryson@flofr.com

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 STATE**

**Division of Elections**

RULE NO.: RULE TITLE:  
1S-2.015 Minimum Security Procedures for Voting Systems

PURPOSE AND EFFECT: Under section 101.015, F.S., each odd-numbered year, the Division is required to review the rules governing county minimum security procedures and update as needed. Amendments will clarify procedures for filing and review of security procedures, clarify timing of the security procedures review by the Division, and will promote greater security at the county level. Additionally, the rule incorporates relevant portions of Rule 1S-2.016, F.A.C., thus rendering Rule 1S-2.016, F.A.C. obsolete and ready for repeal upon final rule adoption for Rule 1S-2.015, F.A.C.

SUMMARY: Amendments clarify procedures for filing and review of security procedures, timing of the security procedures review by the Division, and promote greater security at the county level.

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: Legislative ratification will not be required pursuant to Section 120.541(3), F.S. Based on the SERC checklist, this rule will not have an adverse effect on businesses or private-sector economic growth, job-creation, employment or investment; nor will it increase regulatory costs in excess of the threshold mandating legislative ratification. No other statute requires legislative ratification for this rule.

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

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.015 FS.

LAW IMPLEMENTED: 101.015(4) 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: September 8, 2015, 11:00 a.m.

PLACE: Room 307, R.A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Brandy Hedges, at (850)245-6536, or Brandy.Hedges@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lydia Strom, Assistant General Counsel, at Lydia.Strom@dos.myflorida.com or (850)245-6536

## THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.015 Minimum Security Procedures for Voting Systems.

(1) PURPOSE. To establish minimum security standards for voting systems pursuant to Section 101.015(4), F.S.

(2) DEFINITIONS. The following words and phrases shall be construed as follows when used in this rule:

(a) “Accumulation” means the act of combining tabulated votes from different sources for the same candidate or ballot measure. For example, accumulation of counted votes for a specific candidate occurs when the early voting and absentee ballot groups are combined with Election Day votes for the candidate. Another example is when the combined precinct results for a specific candidate on Election Day are totaled.

(b) ~~A~~ “Ballot” when used in reference to:

1. “Marksense Paper Ballot” means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

2. “Electronic or Electromechanical Device” means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

~~(c)~~(b) “Ballot type” means an early voting, election day, or absentee ballot. Provisional ballots cast in the election may be grouped with early voting, election day, or absentee ballots, as applicable. Overseas absentee ballots are to be grouped with other absentee ballots.

(d) “Election Board” has the meaning ascribed in Section 97.021(12), F.S.

(e) “Election definition” means the voting system tabulator’s code programmed for a unique election.

(f) “Election management system” is an entity that defines, develops, and maintains election databases, performs election definitions and setup functions, formats ballots, acquires the tabulation results, consolidates the aggregate election results, produces report results, and maintains its audit trails.

(g) “Election materials” mean those materials provided to poll workers to properly conduct the election and shall include, but not be limited to, legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.

(h) “Hybrid voting system” means an electronic or electromechanical device by which a voter with disabilities

interacts with an electronic visual display to produce a paper output that contains the contest titles and the voter’s selections, and may also contain, but not be limited to, a barcode or other machine-readable optical label containing the voter’s selections. A hybrid voting system may be designed to read the vote targets or selections or the machine-readable optical label on the paper output.

(i) “Tabulation” means the act of a tabulator (e.g., optical scanner) counting the voter selections for candidates or ballot measures. The tabulator scans the voter selections on a ballot and determines the vote count for the candidate or ballot measure.

(j) A “Voted Ballot” means a ballot as defined above, which has been cast by an elector.

(k) “Voting Device” means any apparatus by which votes are registered electronically.

~~(l)~~(e) “Voting System” means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense paper ballots or paper outputs from a hybrid voting system and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, supplies tabulating cards, printouts, and other software necessary for the system’s operation.

~~(d) “Voting Device” means any apparatus by which votes are registered electronically.~~

~~(e) “Election Materials” means those materials provided to poll workers to properly conduct the election and shall include, but not be limited to: legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.~~

(3) FILING OF SECURITY PROCEDURES.

(a) Within 45 days of the effective date of this rule, each supervisor of elections shall certify the date of the most current version of the county’s minimum security procedures on file with the Division of Elections or submit the most current version accompanied by a cover letter and the date the procedures were last revised.

(b) For any subsequent revision to the security procedures, the supervisor of election must submit the revision no later than 45 days prior to the early voting period in the election in which the revision will first take effect. The supervisor shall include Requirements for filing security procedures with the Division of Elections. Each supervisor of elections shall place on file with the Division of Elections security procedures which meet the minimum standards set forth in this rule. Revisions to procedures on file with the Division of Elections shall be submitted at least 45 days prior to the commencement of early voting for the first election in which they are to take effect and shall be accompanied by a

statement describing which part of the procedures previously filed have been revised.

~~(c) In the event of an emergency situation or other unforeseen circumstance in which a supervisor of elections has to make a change to the security procedures within the 45-day period before the early voting period for an upcoming election, the supervisor of elections shall submit the change to the Division of Elections no later than 5 days after the change is made. Each supervisor of elections has the authority to make changes to the security procedures within 45 days prior to the commencement of early voting for an election as a result of an emergency situation or other unforeseen circumstance. The supervisor shall document any changes to include the reasons why such changes were necessary. A copy of any changed document authorized by the supervisor shall be submitted to the Division of Elections within 5 days of the change.~~

(4) REVIEW OF SECURITY PROCEDURES.

~~(a) The Division of Elections shall conduct a review of any the-submitted or revised security procedures to determine if they meet the minimum requirements set forth in subsection (5) of this rule.~~

~~(a)1. Except as provided in paragraph (b), the Division of Elections shall complete its review of the security procedures or revisions thereto within 30 days of receipt and notify the supervisor of elections as to the results of the review within 5 days thereafter as to whether the procedures or revisions comply with subsection (5).~~

~~2. If the Division finds that the procedures are incomplete and do not otherwise comply with subsection (5), the Division shall notify the supervisor in writing and include in the notice to the supervisor the specific provisions that were found to be incomplete or otherwise did not comply with subsection (5). No later than 30 days from the date of notice, the supervisor shall provide the required information and documentation to bring the procedures into compliance. Within 10 days from receiving the required information from the supervisor or from the end of the 30-day period, whichever occurs first, the Division shall issue a notice of compliance or continued noncompliance, whichever is applicable. The Division of Elections will notify the supervisor of elections as to the results of the review within 30 days of the date revisions to the security procedures are received in the office of the Division of Elections.~~

~~3. If the Division is unable to complete its review within the 30-day time frame established in this rule, the Division shall temporarily approve the procedures or revisions shall be temporarily approved until such time as the review is completed. The Division shall notify and the supervisor of elections of the temporary approval will be notified accordingly. The notification of the results of the review will~~

~~include an enumeration of specific provisions which were found to be incomplete or otherwise do not meet the provisions of this rule.~~

~~(b)1. Within the first quarter of an odd-numbered year during which the Division of Elections conducts biennial review of supervisors of elections' county security procedures pursuant to Section 101.015(4)(b), F.S., the Division shall notify each supervisor of elections that the Division will begin its review based on the version certified last by the supervisor, or the last revision on file, whichever occurred last.~~

~~2. No later than 15 days of such notice, the supervisor shall recertify the version on file as the most current version to be reviewed or submit and certify any update or replacement as the latest revision or replacement, respectively to the procedures on file.~~

~~3. The Division shall complete its review no later than 90 days of beginning the review of a supervisor's county security procedures. Within 5 days of completing its review the Division shall notify the supervisor as to whether its county security procedures comply with subsection (5).~~

~~4. If the Division finds that the procedures are incomplete and do not otherwise comply with subsection (5), the Division shall also list in the notice to the supervisor the specific provisions that were found to be incomplete or otherwise did not comply with subsection (5). No later than 30 days from the date of notice, the supervisor shall provide the required information and documentation to bring the procedures into compliance. If the supervisor is unable to do so within the 30 days, the supervisor shall provide within that same timeframe, a status report and a plan including timeline for completing or bringing the procedures into compliance. No later than 10 days from the receipt of the supervisor's response, the Division shall issue a notice of compliance or continued noncompliance, whichever is applicable. Security procedures on file with the Division of Elections shall be reviewed by the Division of Elections in each odd-numbered year, pursuant to Section 101.015(4)(b), F.S.~~

(5) STANDARDS FOR SECURITY PROCEDURES.

~~(a) Staffing and facilities' security. The security procedures shall have a description of the supervisor of elections' organization and physical facilities' security. The security procedures shall address chain of custody procedures and security measures to protect at all times the integrity of the voting systems, election materials, and ballots. Security procedures shall include copies of each referenced form, schedule, log or checklist or descriptions of the contents of forms, schedules, logs or checklists that vary from election to election.~~

~~(b) Election schedule template. The security procedures shall include one or more schedule templates for each type of election. The supervisor shall provide the template to the~~

~~Division of Elections require the establishment of an election schedule at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The supervisor is not required to provide a previously submitted schedule template before an election unless changes have been made since the prior submission; however, any changes to a schedule template must be submitted in a revised security procedure within the time period specified in paragraph (3)(b). The election schedule template shall contain the following:~~

- ~~1. A list of all tasks necessary to conduct the election; and~~
- ~~2. The legal deadline, where applicable, or tentative date each task is to be completed; and~~
- ~~3. The individual (position title), group or organization responsible for completing each task.~~

~~(c) Ballot Preparation. The security procedures shall describe the steps necessary to ensure insure that the ballot contains the proper races, candidates and issues for each ballot variation and that the ballots can be successfully tabulated. The ballot preparation procedures shall, at a minimum, contain the following:~~

- ~~1. Method and materials required to determine each type of ballot or ballot variations;~~
- ~~2. Assignment of unique marks or other coding necessary for identifying ballot variations or precincts;~~
- ~~3. Verification that unique marks or other coding necessary for tabulation are correct;~~
- ~~4. Description of system used to facilitate ballot preparation, if applicable; and~~
- ~~5. Description of method to verify that all ballots and ballot variations are accurately prepared and printed.~~

~~(d) Filing of election information. The supervisor of elections shall file with the Division of Elections a copy of the information used within the voting system to define the tabulation and reporting instructions for each election regardless of filings for prior elections. The filing shall, at a minimum, include the following:~~

- ~~1. A copy of the election database used to define the election; and~~
- ~~2. If the election definition is created by an individual who is not an employee of the supervisor of elections, the information shall include a statement by the person who created the election database and definition. The person coding the election shall sign the election coding statement using Form DS-DE 132.~~

~~(e) Preparation and Configuration of Tabulation System.~~

~~1. The procedures relating to the preparation and configuration of the tabulation system shall, at a minimum, include the following:~~

~~a. Description of tests for all electronic or electromechanical voting systems after conclusion of maintenance and programming, including Americans with Disabilities Act (ADA) voting devices, early voting devices, precinct voting devices, and absentee voting devices, and the procedures for verification of correctness; and~~

~~b. Description of securing the tabulation systems Description of the ballot definition and verification process;~~

~~b. Description of the steps necessary to program the system; and~~

~~e. Description of the process to install the program and the procedures for verification of correctness.~~

~~2. The security procedures shall describe the test materials utilized and the voting system tests performed prior to the conduct of the public logic and accuracy tests.~~

~~(f)(e) Public Logic and Accuracy Test. The security procedures for use with electronic and electromechanical voting systems shall, at a minimum, describe the following aspects of logic and accuracy testing of all automatic tabulating equipment publicly tested as required by Section 101.5612, F.S.:~~

~~1. Description of Each component of the test performed including the test materials utilized for ADA voting devices, early voting devices, precinct voting devices, and absentee voting devices.~~

~~2. Ballot test decks and their preaudited results.~~

~~3. Description of how The procedures for sealing, securing, and retaining the programs, ballots, test results, and other test materials, and records of proceedings are sealed, secured and retained.~~

~~(f) Filing election parameters. The security procedures shall include filing with the Division of Elections a copy of the software and parameters used within the voting system to define the tabulation and reporting instructions for each election regardless of filings for previous elections. The filing shall, at a minimum, include the following:~~

- ~~1. Copy of the voting system software;~~
- ~~2. Copy of the administrative database used to define the election;~~
- ~~3. Copy of all election specific files generated and used by the system;~~
- ~~4. Documentation stating the release level of the precinct tabulation equipment and firmware; and~~

~~5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include a statement signed by the person who created the election definition. The statement shall be in substantially the following form:~~

**ELECTION PARAMETER STATEMENT**  
Pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public

~~servant in the performance of his or her official duty, shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.~~

~~The election coding for \_\_\_\_\_ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting system software, a copy of all election specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. To the best of my knowledge and belief, the foregoing statement is truthful.~~

**Signature of the Person Coding the Election.**

~~(g) Pre-election sSteps for vVoting sSystems. The security procedures for use with voting devices shall, at a minimum, include a the following:~~

- ~~1. Description of how the number of voting devices for each precinct is determined;~~
- ~~2. Description of each component of the public test, including any test materials utilized;~~
- ~~3. dDescription of the process to seal and secure the voting devices on election day and daily during the early voting period. This description shall include:~~

~~1. The process for permanently identifying electronic media type such as memory packs, compact flash cards, PC Cards or PCMCIA cards, and any type of key activators. This activity shall include:~~

~~a. The process to create and maintain an inventory of all electronic media.~~

~~b. The chain of custody process and procedure for identifying, documenting, handling, and tracking electronic media from the point of collection or transfer from their storage location, through election coding, through the election process, to their final post-election disposition and return to storage. Such process must use two or more individuals to perform any written check and verification checks whenever a transfer of custody takes place. This electronic media must be given the same level of attention that one would give to official ballots.~~

~~2. The establishment and maintenance of a secured location for storing the electronic media when not in use, for coding an election, for creating the election media, for transferring and installing the election media into the voting device, and for storing these devices once the election parameters are loaded. This process shall ensure that:~~

~~a. No election media is left unattended or in an unsecured location once it has been coded for an election. Where applicable, coded election media must be immediately loaded into the relevant voting device, logged, and made secure or~~

must be placed in a secured and controlled environment and inventoried.

b. Each election media is sealed in its relevant voting device or container utilizing one or more uniquely identified tamper-resistant or tamper-evident seals. A combined master tracking log of the voting device, the election media, and the seal(s) must be created and maintained. For election media that are device independent (for example, voter card encoders) these devices must be stored in a secured, sealed container and must also be identified on the master tracking log.

c. A procedure is created and maintained for tracking the custody of these voting devices once these devices are loaded with an election definition. This record shall include the protective counter numbers for the voting device, where applicable, to permit the protective count numbers at poll opening and poll closing to be verified, if necessary, against the public vote count. The chain of custody must specifically provide for the identifying, documenting, handling, and tracking of such devices from the point of loading to final post-election disposition. A minimum of two persons must be used to perform any written checks and verification checks when a transfer of custody takes place. These voting devices must be given the same level of attention that one would give to official ballots.

3. A recovery plan that is to be followed should there be any indication of a security breach in the accountability and chain of custody procedures. Any indication of a security breach must be confirmed by more than one individual.

4. A training plan for relevant election officials, staff, and temporary workers that addresses these security procedures and the relevant work instructions. It shall also provide for a record to be kept on which the identification numbers, seal numbers and protective counter numbers for voting devices shall be noted; and

4. Description of the procedures for retaining the test results and any records of the proceedings.

(h) Ballot dDistribution. Where marksense paper ballots or paper outputs from a hybrid voting system (as defined in subparagraph (2)(a)1. of this rule) are used including on election day and during the early voting period, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;
2. Description of the method for securing the ballots; and
3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

(i) Distribution of pPrecinct eEquipment. The security procedures shall describe the steps necessary for distributing voting system equipment to the precincts.

(j) Election Board dDuties.

1. The security procedures when ~~marksense paper~~ ballots or ~~paper outputs from a hybrid voting system~~, including provisional ballots are used shall, at a minimum, include the following Election Board duties on election day and during the early voting period:

- a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;
- b. Checking the operability or readiness of the voting devices;
- c. Checking and sealing the ballot box;
- d. Description of how unscanned and spoiled ballots are handled;
- e. Description of how write-in and provisional ballots are handled; and
- f. Accounting for all ballots after the polls close.

2. The security procedures for use with voting devices shall, at a minimum, include the following Election Board duties:

- a. Verification of the identification numbers, seal numbers, and protective counter numbers, if available, of precinct tabulation and/or voting devices;
- b. Checking the operability or readiness of the voting device;
- c. Verification that all counters except protective counters are set at zero on each voting device;
- d. Securing a printed record from each voting device, if applicable;
- e. Checking the correctness of the ballot;
- f. Preparing voting devices for voting;
- g. Verification when other than electronic or other means are used to track a voter during the voting process that the correct number of voter authorization slips were received;
- h. Checking and sealing the voter authorization slips container(s) if voter authorizations slips were used;
- i. Handling write-in ballots;
- j. Handling voting system malfunctions;
- k. Securing voting machines at the close of the polls (including the close of each early voting day) to prevent further voting;

l. Accounting for all voter authorization slips received if voter authorization slips were used; and

m. Recording and verifying the votes cast.

(k) Transport of ~~h~~Ballots and/or ~~e~~Election ~~m~~Materials. The security procedures shall describe the steps necessary to ensure a complete written record of the chain of custody of ballots and/or election materials on election day and during the early voting period and shall include:

1. A description of the method and equipment used to transport all ballots and/or election materials;

2. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site; ~~and~~

3. A method of recording the time the individuals who transport the ballots and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots and/or election materials.

4. A description of the process to create and maintain a secured location for storing and transporting voting devices once the election definitions are loaded. This description shall include procedures that are to be used at locations outside the direct control of the supervisor of elections, such as overnight storage at a polling location or early voting site. This description shall include:

a. A process for creating and maintaining an inventory of these items for each storage location, for each election. These voting devices must be given the same level of attention that one would give to official ballots.

b. A chain of custody process that specifically provides for the identifying, documenting, handling, and tracking of such voting devices from the point of storage to transfer to final disposition or when the voting devices have been left unattended for any length of time. A minimum of two persons must be used to perform any written checks and verification checks when a transfer of custody takes place. Particular attention must be given to the integrity of the tamper-resistant or tamper-evident seals. These voting devices must be given the same level of attention that one would give to official ballots.

5. A recovery plan that is to be followed should there be any indication of a security breach in the accountability and chain of custody procedures. The plan must address inadvertent damage to any seals or accountability/chain of custody documentation errors. These plans must be developed in a manner that enhances public confidence in the security and integrity of the election. Any indication of a security breach, documentation errors, or seal damage must be confirmed by more than one individual.

6. A training plan for relevant election officials, staff, and temporary workers that address these security procedures and the relevant work instructions.

(l) Receiving and ~~p~~Preparing ~~voted the~~ ~~h~~Ballots ~~for~~ ~~Central and Regional Counting~~. The security procedures shall describe the process of receiving and preparing paper outputs from a hybrid voting system and voted ballots, including provisional ballots, election data and/or memory devices ~~for counting~~ to include, at a minimum, the following:

1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;

2. Verification that the ballot container(s) for each precinct contain paper outputs from a hybrid voting system, unused ballots, and voted ballots including provisional ballots, ~~unused ballots, unscanned ballots,~~ spoiled ballots and write-in ballots as shown to exist on the forms completed by each election board for that purpose;

3. Inspection of the marksense paper ballots or paper outputs from a hybrid voting system to identify those that must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A record shall be kept of which marksense paper ballots or paper outputs from a hybrid voting system are submitted to the Canvassing Board and the disposition of those marksense paper ballots or paper outputs; and

4. Description of the process for duplicating and recording the voted marksense paper ballots or paper outputs from a hybrid voting system which are damaged or defective.

(m) Tabulation of ~~v~~Vote.

1. The security procedures for use with polling locations and central and regional processing sites shall describe each step of a ballot tabulation including on election day and daily during the early voting period and shall to include, at a minimum, the following:

a. Counting and reconciliation of voted marksense paper ballots or paper outputs from a hybrid voting system;

b. Processing, tabulation and accumulation of voted ballots and election data;

c. Processing and recording of all write-in and provisional ballots;

d. The process for handling unreadable ballots ~~and returning any duplicates to tabulation~~;

e. Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems; and

f. ~~Describe~~ The procedure for public viewing of the accumulation tabulation process and access to results.

2. Security procedures shall describe each step of ballot tabulation during the early voting period the steps necessary for vote tabulation in the precincts.

3. The security procedures for use in the precincts on election day shall include procedures that describe each step of ballot tabulation to include, at a minimum, the following:

a. Printing of precinct results and results from individual tabulating devices;

b. Processing and recording of write-in votes;

c. Endorsing ~~a copy~~ of the precinct results by the Election Board;

d. Posting a copy of precinct results;

e. Transport of precinct results to central or regional site;

f. Consolidation of precinct and provisional ballot results; and

g. ~~The Describe~~ the process for public viewing of the accumulation tabulation process and access to results.

4. The procedures for resolving discrepancies between the counted ballots and voted ballots and any other discrepancies found during the accumulation tabulation process shall be described.

(n) Electronic ~~a~~Access to ~~v~~Voting ~~s~~Systems. Security procedures shall identify all methods of electronic access to the vote tabulation system including on election day and daily during the early voting period. The, including procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system shall be identified, and shall additionally include:

1. A document that defines the procedure that ensures that default or vendor supplied passwords, encryption keys, or other identifier have been changed. This activity must ensure that:

a. Access control keys/passwords are maintained in a secured and controlled environment. The individual(s) with access to these items must be delineated in the relevant position descriptions.

b. Changes to the encryption keys and passwords are at the discretion of the supervisor of elections. This discretionary authority should not be delegated. The individual(s) that implement a change to the encryption keys and/or passwords must have this "authorization to change" responsibility delineated within their position description(s).

c. The degree of access is defined within each relevant position description and maintained at that level within the election management system and/or equipment. This applies where a voting system can limit an individual's access to certain menus, software modules, or other component.

2. A procedure that governs access to any device, election media, or election management system with a requirement to use an encryption key. This process must be witnessed by one or more individuals authorized to use such information and an access log must be created and maintained.

3. A training plan for relevant election officials, staff, and temporary workers that address these security procedures and the relevant work instructions.

(o) Absentee ~~b~~Ballot ~~h~~Handling. The security procedures shall include procedures that describe absentee ballot handling to include, at a minimum, the following:

1. Description of process for determining and verifying absentee ballot variations;

2. Description for process to assure voters are issued the proper absentee ballot;

3. Description of process for receipt of absentee ballots by mail or other methods permitted by law and the security

measures in place to ensure safekeeping and timely receipt by the Supervisor of Elections.

4. Process for precluding voters from voting at the polls and casting an absentee ballot;

54. Process for opening valid absentee ballots in preparation for tabulation;

65. Process for recording the receipt of all advance absentee ballots, to include regular absentee ballots, State write-in ballots and Federal write-in ballots and determining which ones should be counted if more than one per voter is received; and

76. Security measures for transporting, collecting, and storing blank and voted absentee ballots and related materials prior to and after an election, including but not limited to physical security, chain of custody, secured access, and monitoring.

(p) Ballot sSecurity. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location including on election day and during the early voting period shall describe physical security, identify who has authorized access and identify who has the authority to permit access.

(q) Voting sSystem mMaintenance and sStorage.

1. The security procedures shall describe the maintenance and testing performed on all components of the system to assure that it is in proper working order and is within manufacturer’s operating specifications including on election day and during the early voting period. Procedures shall also describe storage and nonoperational maintenance of all voting devices.

2. If the supervisor of elections has installed any type of antivirus software on the election management system’s computing equipment, the security procedures shall provide a description of the software, the timeframe for updating the software, and the method to update the software.

(r) Post-election audit. The security procedures shall include, at a minimum, the following:

1. Description of the method for the random selection of the races and precincts for a manual audit or automated independent audit, or both.

2. Description of the method for the random selection in the event that municipal or other local elections are held on the same day and the Canvassing Board certifies the elections, if applicable.

3. Description of the method to determine the ballot count segregated by ballot type of the random selection.

4. Description of the method to ensure the public does not interfere or otherwise disturb the audit.

5. Description of the method for determining the security of ballots, chain of custody controls, protocols for authorized

access, and secure storage of ballots that may be used in an audit.

(6) FORM. Form DS-DE 132 (eff. \_\_\_\_ / \_\_\_\_), (hyperlink to be inserted here), entitled “Election Coding Statement,” is hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division’s webpage at: <http://election.myflorida.com/forms/index.shtml>.

~~ACCESS TO TABULATION PROGRAM SOURCE CODE.~~

~~(a) No supervisor shall have access to any vote tabulation program source code to be used in an election unless prior approval has been obtained from the Division of Elections. Approval shall be based on the supervisor establishing security procedures which provide for maintaining a secured control copy of the certified release of the tabulation program source code; protecting source code from unauthorized access; and verification that the tabulation program source code used for each election is identical to the certified release.~~

~~(b) Any modification to tabulation program source code must be certified by the Division under the provisions of Rule Chapter 1S 5, F.A.C., before use in any election. Rulemaking Specific Authority 20.10(3), 97.012(1), 101.015 FS. Law Implemented 101.015(4) FS. History—New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93, 11-24-04,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lydia Strom  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth W. Detzner  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 19, 2015

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.: 5J-15.002  
RULE TITLE: Enforcement Actions and Administrative Penalties

PURPOSE AND EFFECT: To establish a penalty structure consistent with others established within the department.

SUMMARY: The proposed rule sets forth a range of administrative fines for violations of the household moving services law to ensure statutory compliance with sections 46 and 47, Chapter 2014-150, Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will



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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule provides penalty guidelines for violators. There are no regulatory costs associated with this rule. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 507.09(3), 570.07(23) FS.

LAW IMPLEMENTED: 507.08, 507.09, 507.10, 507.11, 570.971(4) 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: Amy Topol, Assistant Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, email: Amy.Topol@FreshFromFlorida.com or by phone: (850)410-3662

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-15.002 Enforcement Actions and Administrative Penalties

(1) This rule sets forth the guidelines the department will follow in imposing the penalties authorized under Chapter 507, F.S. The purpose of the guidelines is to give notice of the range of penalties that will be imposed for a single violation. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase the penalties to be imposed against the violator by the department. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$5,000 pursuant to the Class II category as provided in s. 507.09(1)(b), F.S. and in s. 570.971, F.S. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine a total penalty and will be grounds for enhancement of penalties.

(2) The department will enforce compliance with Chapter 507, F.S., and this rule chapter by issuing an administrative

complaint, notice of noncompliance, or through civil litigation for violations of Chapter 507, F.S., and this rule chapter.

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

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

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

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

(5) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of Chapter 507, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation. If a Notice of Noncompliance is imposed for an initial violation, a second violation within a three-year period shall result in a fine of at least \$1,000 not to exceed \$5,000. Both aggravating and mitigating factors, if present, shall be applied against each single count of the listed violation regardless of whether the violation is a minor violation or a major violation as described in (8) below.

(a) Aggravating Factors shall include, but not be limited to:

1. The violation caused, or has the potential to cause injury to a person.

2. The violation endangered the public safety or welfare.

3. Previous violations within the preceding three years for the same or a similar offense that resulted in imposition of administrative penalties, issuance of a notice of noncompliance, or suspension or revocation of license.

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

5. The violation resulted from an intentional act.

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

7. The benefit to the violator.

(b) Mitigating factors shall include, but not be limited to:

1. Any documented efforts by the violator at rehabilitation.

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

3. Substantiated financial hardship.

4. Acts of God or nature that impair the ability of the violator to comply with Chapter 507, F.S., or this rule chapter.

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

6. The violator took corrective action within twenty-four (24) hours of receiving written notification of the violation.

7. The disciplinary history of the person committing the violation.

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

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

(8) Penalties.

(a) Notice of Noncompliance. Any department investigation or inspection which reveals minor violations of this rule chapter in which the department determines that the violator was unaware of the rule or unclear as to how to comply with it will result in the issuance of a Notice of Noncompliance as the department’s first response to the violation. In addition, a Notice of Noncompliance will be issued for failing to comply with s. 507.03(2), F.S.

(b) Minor Violations. A violation of Chapter 507, F.S., is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Minor violations shall result in imposition of a fine ranging from \$1,000 to \$2,500. The following statutory violations shall be considered minor violations:

- 1. Failure to comply with s. 507.03(5), F.S.
- 2. Failure to comply with s. 507.03(6), F.S.
- 3. Failure to comply with s. 507.03(7), F.S.

(c) Major Violations. A violation of Chapter 507, F.S., or this rule chapter is a major violation if it results in economic or physical harm to a person or adversely affects the public health, safety, or welfare, or creates a significant threat of such harm. Major violations shall result in the imposition of an administrative fine of \$1,000 to \$5,000, suspension or revocation of the license as prescribed in s. 507.09(1)(d), F.S., or any of the penalties as prescribed in s. 507.09(1)(b)-(e), F.S. The following violations shall be considered major violations:

- 1. Failure to comply with s. 507.03(1), F.S.
- 2. Failure to comply with s. 507.03(4), F.S.
- 3. Failure to comply with s. 507.03(9), F.S.
- 4. Failure to comply with s. 507.03(10), F.S.

5. Failure to comply with any provision required in s. 507.04, F.S.

6. Failure to comply with any provision required in s. 507.05, F.S.

7. Failure to comply with any provision required in s. 507.06, F.S.

8. Any violation of s. 507.07, F.S.

9. Any willful violation of Chapter 507, F.S.

(9) Failure to respond to an administrative complaint shall result in the entry of a default Final Order against the violator or entity responsible for the violation. The department shall impose the maximum administrative fine amount of \$5,000 per violation pursuant to a Class II violation as referenced in s. 507.09(1)(b), F.S. and in s. 570.971, F.S., for a default Final Order.

(10) A violator’s failure to comply with a Final Order shall result in a license denial or revocation pursuant to s. 507.09(1)(d), F.S. Additional penalties shall be sought through the enforcement of the order in circuit court.

Rulemaking Authority 507.09(3), 570.07(23), FS. Law Implemented 507.08, 507.09, 507.10, 507.11, 570.971(4) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Amy Topol, Assistant Director, Division of Consumer Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 6, 2015

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
5J-21.007	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Meter Sealing Requirements, and Other Related Requirements

PURPOSE AND EFFECT: Adopt motor fuel dispenser labeling requirements pertaining to ADA fueling assistance at self-service gas stations and establish maximum time limit reporting requirements for the installation of petroleum fuel measuring devices.

SUMMARY: Section 526.141(5)(b), F.S., requires the department to adopt rules pertaining to the labeling of motor fuel dispensers pertaining to ADA fueling assistance at self-service gas stations. Section 525.07, F.S., requires the department to be notified upon installation of new petroleum fuel measuring devices, but does not specify time limits. Time limits are necessary so they are not reported too far in advance or too long after installation. Time limits for post installation notification already exist in rule, but there are no limits for pre-installation notification.

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

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

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

RULEMAKING AUTHORITY: 525.14, 526.09, 526.141(5)(b), 531.40, 531.41(3), 570.07(23) FS.

LAW IMPLEMENTED: 525.07, 526.141(5)(b), 531.40 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-21.007 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National

Institute of Standards and Technology Handbook 44 Meter Sealing Requirements, and Other Related Requirements.

(1) through (2) No change.

(3) Any registered person or agency that has installed a petroleum fuel measuring device must report the existence of the petroleum device to the department at (850)921-1545 or by fax at (850)921-1548, within twenty-four (24) hours after installation, but no sooner than 10 days prior to installation using ~~FDACS-03017~~ ~~FDACS-03249~~, Placed in Service Report, Rev. 07/15 ~~4/2/12~~, hereby incorporated by reference. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 04793>~~.

(4) Each ~~Effective July 1, 2015, each~~ dispensing device from which diesel fuel is sold at retail shall be equipped with a nozzle spout that conforms to SAE International J285, MAY2012, "Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines," and is hereby incorporated by reference. Copies of this publication may be obtained at <http://standards.sae.org>. This code is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of this material on the internet for purposes of public examination would violate federal copyright law.

(5) All retail motor fuel dispensers in operation at self-service facilities shall comply with the provisions of Section 526.141(5)(b), F.S.

(a) As used in Section 526.141(5)(b), F.S., the term "pump" means the face of a motor fuel dispenser or a stand-alone unit as described in paragraph (b) of this subsection.

(b) The term "affixed," as used in Section 526.141(5)(b), F.S., means:

1. Directly attached to the pump on the upper fifty percent of the front panel in a position clear and conspicuous from the driver's position; or

2. Directly attached to a stand-alone unit located no more than 36" from either side of the motor fuel dispenser, at a height equivalent to the upper fifty percent of the motor fuel dispenser's front panel, and in a position clear and conspicuous from the driver's position. If a stand-alone unit is used, it must contain controls to communicate directly with the self-service facility's staff.

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

Rulemaking Authority 525.14, 526.09, 526.141(5)(b), 531.40, 531.41(3), 570.07(23) FS. Law Implemented 525.07, 526.141(5)(b), 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-

94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Matthew Curran, Chief of Standards  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 6, 2015

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:  
 6A-5.090 Content Area Reading Professional Development and Next Generation Content Area Professional Development

PURPOSE AND EFFECT: The purpose is to repeal Rule 6A-5.090, F.A.C. The effect is to remove a rule from the Florida Administrative Code that is no longer needed.

SUMMARY: Due to legislative changes in House Bill 7069, School districts are no longer required to serve middle and high school students who score Level 1 or Level 2 on English Language Arts Florida Standards Assessment (FSA) through a remedial course or a content area course in which remediation strategies are incorporated, therefore the requirement that a content area teacher complete this course would be outside the scope of the statute.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The requirement that students scoring at Level 1 or Level 2 be served in a remedial course or in a content area course that includes remediation of skills was removed based on House Bill 7069, therefore this rule is being repealed.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n) FS.

LAW IMPLEMENTED: 1001.02(1), (2)(n) FS.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2015, 9:00 a.m.  
 PLACE: The SEED School of Miami, located at Florida Memorial University, 15800 NW 42nd Avenue, Miami Gardens, FL 33054  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laurie Lee, Deputy Director, Just Read, Florida! Laurie.Lee@fldoe.org, (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.090 Content Area Reading Professional Development and Next Generation Content Area Professional Development.

Rulemaking Authority 1001.02(2), 1003.4156, 1003.428 FS. Law Implemented 1001.215, 1003.413(4)(b), 1003.4156, 1003.428 FS. History—New 5-19-08, Amended 4-21-11, Repealed

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2015

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:  
 6A-6.054 K-12 Student Reading Intervention Requirements

PURPOSE AND EFFECT: The purpose is to repeal Rule 6A-6.054, F.A.C. The effect is to remove a rule from the Florida Administrative Code that is no longer needed.

SUMMARY: Due to legislative changes in House Bill 7069, School districts are no longer required to serve middle and high school students who score Level 1 or Level 2 on English Language Arts Florida Standards Assessment (FSA) through a remedial course or a content area course in which remediation strategies are incorporated.

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 rule addresses the requirement for school districts to ensure middle and high school students scoring Level 1 or Level 2 on the end of year Florida English Language Arts assessment receive remedial reading instruction. House Bill 7069 removed this requirement and therefore eliminated the necessity for this rule.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n) FS.

LAW IMPLEMENTED: 1001.02(1), (2)(n) FS.

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

DATE AND TIME: September 21, 2015, 9:00 a.m.

PLACE: The SEED School of Miami, located at Florida Memorial University, 15800 NW 42nd Avenue, Miami Gardens, FL 33054

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laurie Lee, Deputy Director, Just Read, Florida! Laurie.Lee@fldoe.org, (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.054 K-12 Student Reading Intervention Requirements.

Rulemaking Authority 1001.02(2), 1003.4156, 1003.428, 1008.25 FS. Law Implemented 1001.215, 1008.25, 1003.4156, 1003.428 FS. History—New 5-19-08, Amended 4-21-11, 5-21-13, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2015

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.09091  
 RULE TITLE: Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners

PURPOSE AND EFFECT: The purpose and effect of this amendment is to clarify the allowable accommodations for

English Language Learners (ELLs) on statewide assessments to match the current standardized test administration manuals.

SUMMARY: This amendment updates references to the statewide standardized assessments, specifically on accommodations provided to ELLs in Florida’s public schools. Accommodations for ELLs will be available and expanded to include use of electronic translation dictionaries and assistance in heritage language for Florida Standards Assessments (FSA) English Language Arts (ELA) Reading items and answer choices. In addition, a proposed provision clarifies that provided accommodations be implemented in a manner that tests the independent work of the student and cannot assist a student in determining the answer to a test question. A further clarification is proposed that ELLs that are not currently enrolled in public schools or receiving services through public school programs are entitled to receive accommodations.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: No requirement for SERC was triggered under Section 120.541(1), Florida Statutes. Updated references to current statewide assessments and provision of identified accommodations on statewide standardized assessments to ELLs will have no economic impact.

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

RULEMAKING AUTHORITY: 1001.02, 1008.22 FS.

LAW IMPLEMENTED: 1008.22 FS.

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

DATE AND TIME: September 21, 2015, 9:00 a.m.

PLACE: The SEED School of Miami, located at Florida Memorial University, 15800 NW 42nd Avenue, Miami Gardens, FL 33054

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chane Eplin, Chief, Bureau of Student Achievement through Language Acquisition, Department of Education, (850)245-0417 or e-mail: chane.eplin@fldoe.org

## THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners.

(1) The Department of Education shall provide accommodations for English Language Learners (ELLs) to enable them to fully participate in the statewide standardized assessment program as defined in Sections 1008.22, ~~1008.34 and 1001.11~~, F.S.

(2) Each school board shall utilize appropriate and allowable accommodations for statewide standardized assessments within the limits prescribed herein. Accommodations are defined as adjustments to settings for administration of statewide standardized assessments, adjustments to scheduling for the administration of statewide standardized assessments to include amount of time for administration, assistance in heritage language during the administration of statewide standardized assessments, and the use of an approved translation dictionary to facilitate the student's participation in statewide standardized assessments. Accommodations that negate the validity of statewide standardized assessments are not allowable.

Accommodations shall include:

(a) Flexible Setting. ELLs may be offered the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher serving as test administrator. Parents must be informed of this option for students not of legal age and shall be given the opportunity to select the preferred method of test administration.

(b) Flexible Scheduling. ELLs may take a test session during several brief periods within one (1) school day; however, each test session must be completed within one (1) school day. ELLs may be provided additional time to complete a test session; however, each test session must be completed within one (1) school day.

(c) Assistance in the Heritage Language. ELLs may be provided limited assistance by an ESOL or heritage language teacher using the student's heritage language for directions, prompts, items, and answer choices. This should not be interpreted as permission to provide oral presentation of prompts, items, and answer choices in English or in the student's heritage language. Assistance may not be provided for passages in Reading and Writing tests. Assistance in the heritage language shall be limited to the following:

1. The ESOL or heritage language teacher or other trained individual familiar with the student may answer questions about the general test directions in the student's heritage language. If the test is administered to a group of students, the teacher may answer questions about directions for the benefit

of the group. Questions of clarification from individual students must be answered on an individual basis without disturbing other students.

2. The ESOL or heritage language teacher or other trained individual familiar with the student may answer specific questions about a word or phrase in a prompt, item, or answer choice that is confusing the student because of limited English proficiency but is prohibited from giving assistance that will help the student produce, correct, or edit responses. Assistance may NOT be provided for words or phrases in Reading and Writing passages.

(d) Approved Dictionary. ELLs should must have access to English-to-heritage language/heritage language-to-English dictionaries, such as those made available to ELLs in an instructional setting. The dictionary must provide word-to-word translations only and may not contain definitions or other information. A dictionary written exclusively in the heritage language or in English shall not be provided. Electronic translation dictionaries that meet the same requirements without accessing the Internet may be used. ~~test accommodations within the limits prescribed herein. School district personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.~~

(3) The accommodations described in subsection (2) of this rule shall be offered to any student who has been identified as limited English proficient pursuant to Section 1003.56(2)(a), F.S., and is ~~School districts shall offer test accommodations to ELLs students who currently are receiving services in a program operated in accordance with an approved ELL district plan. The statewide standardized assessments tests may be administered with any one (1) or a combination of the accommodations authorized herein that are determined to be appropriate for the individual student. Accommodations for statewide assessment tests shall include:~~

Florida Comprehensive Assessment Test.

(4) District personnel are required to implement the accommodations in a manner that ensures that the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response. In no case shall the accommodations authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(a) ~~ELLs may be given additional time to complete each test section, and the entire test may be administered over one~~

or more days. Students who begin any individual section of the test shall complete it in the same school day.

(b) ELLs may be given access to English-to-heritage language/heritage language to English dictionaries such as those made available to ELLs in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

(c) ELLs may be given the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher serving as test administrator. If the ELL is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.

(d) ELLs taking the mathematics test section may be provided limited assistance by the ESOL or heritage language teacher using the student's heritage language. This assistance shall be as follows:

1. The teacher may answer student inquiries related to any of the test directions.

2. The teacher may answer specific inquiries concerning a word or phrase in a particular test question that is confusing the student because of limited English proficiency. In no case shall assistance be given the student in actually solving the mathematics questions.

3. Questions for clarification posed by individual students must be answered on an individual basis by the test administrator to prevent interference with another student's ability to concentrate.

(e) ELLs taking the communications or reading test sections may be provided limited assistance by the ESOL or heritage language teacher using the student's heritage language. This assistance shall be as follows:

1. The teacher may answer student inquiries related to any of the general test directions as long as the ELL is not unmistakably led to infer the correct answer to any of the questions.

2. The teacher shall not answer ELLs' inquiries about the reading passages, the question stems, or answer alternatives.

3. ELLs may have access to the dictionary specified in subparagraph (3)(a)2., F.A.C., of this rule, but the student is expected to read the reading passage, the question stems, and the answer alternatives in English.

(f) ELLs taking the writing test may be provided limited assistance by the ESOL heritage language teacher using the student's heritage language. This assistance shall be as follows:

1. Flexible setting. ELLs may be given the opportunity to be tested in a separate room with the ESOL or heritage language teacher serving as test administrator. If the ELL is not of legal age, the parents of said student shall be informed

of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.

2. Assistance in the heritage language. The ESOL or heritage language teacher may answer student questions about the general test directions in their heritage language, but the teacher is prohibited from answering questions about the writing prompt.

3. Flexible scheduling. ELLs may take the test during several brief sessions within one school day. All testing must be completed within the prescribed testing period shown in the test administration manual.

4. Flexible timing. ELLs may be provided additional time beyond the time limit specified in the test administration manual for administration of the test to English proficient students.

5. Dictionary. ELLs may have access to English-to-heritage language/heritage language to English dictionaries, such as those made available to ELLs in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

(5)(4) Each school board shall establish procedures whereby training shall be provided to the ESOL or heritage language teacher who is administering any of the statewide standardized assessments tests. The training shall be designed to train teach the teacher how to administer the statewide standardized assessments tests within the limits prescribed in this rule.

(6)(5) ELLs who otherwise are classified as students with disabilities as defined by Section 1003.01(3)(a), F.S., or who have been determined eligible and have a plan developed in accordance with Section 504 of the Rehabilitation Act exceptional education or handicapped students shall be afforded the additional test accommodations specified in Rule 6A-1.0943, F.A.C.

(7) Students who are not currently enrolled in public schools or receiving services through public school programs and require accommodations in order to participate in the statewide standardized assessment program shall have access to accommodations identified in subsection (2) of this rule if the student was classified as limited English proficient pursuant to Section 1003.56(2)(a), F.S., at the time of exit from the public school or public school program.

Rulemaking Authority 1001.02, 1008.22 FS. Law Implemented 1003.43(8), 1008.22, 1003.56 FS. History—New 10-17-00, Amended 5-5-09.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2015

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: RULE TITLE:  
 1S-2.053 Election Results and Precinct-Level Reporting

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 145, July 28, 2015 issue of the Florida Administrative Register.  
 In the Notice of Proposed Rule, the citation to section 101.141(4)(10) under "Rulemaking Authority" is incorrect. The correct citation is 102.141(10), F.S.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NO.: RULE TITLE:  
 5M-8.002 Approved BMPs.

**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. 41 No. 121, June 23, 2015 issue of the Florida Administrative Register.  
 5M-8.002(1). The draft document, Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2015, FDACS-P-01268), has been revised as noted below.  
 Page 15, #5: The "Change Form to Notice of Intent to Implement BMPs and/or Associated BMP Checklist" has been deleted.  
 Page 84, BMP 7.1.5: The BMP use "Use integrated pest management practices" has been deleted.  
 Appendix 10, Notice of Intent to Implement Water Quality/Quantity BMPs for Florida Vegetable and Agronomic Crops, Rev. 03/15. The rule reference on page 1 has been revised to 5M-8.002, F.A.C.  
 Appendix 10, BMP Checklist 7.1.5: The BMP has been deleted.

Appendix 11, Notice of Intent to Implement Best Management Practices for Everglades Agricultural Area or C-139 and Western Basins Area, Rev. 02/15. The rule reference on page 1 has been revised to 5M-8.002, F.A.C.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: RULE TITLE:  
 61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 137, July 16, 2015 issue of the Florida Administrative Register.  
 The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated July 29, 2015. The correction is as follows:  
 The "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISH IN FAR" shall read correctly as March 16, 2015.

The coding for 61J2-3.008(4) will be corrected to read as: 61J2-3.008(4) (b) shall read as:  
 "(b) a. through i. No change"

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Executive Director, Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NOS.: RULE TITLES:  
 69V-560.1012 Adoption of Forms  
 69V-560.505 Reimbursement Rates for Examinations Conducted by a Third Party  
 69V-560.608 Currency Transaction Report Filings  
 69V-560.609 Suspicious Activity Report Filings  
 69V-560.702 Payment Instrument Sellers  
 69V-560.703 Money Transmitters  
 69V-560.704 Records to Be Maintained by Check Cashers

**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. 41 No. 146, July 29, 2015 issue of the Florida Administrative Register.  
 These changes are made in response to comments made by the Joint Administrative Procedures Committee, comments received from the public, and to make technical changes.

69V-560.1012 Adoption of Forms.



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

~~(4) Disciplinary Guidelines for Money Services Businesses, incorporated by reference and adopted by this rule, effective XX/XX/XXXX, available at [www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX](http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX)~~

(2) No change.

The remainder of the rule reads as previously published.

69V-560.505 Reimbursement Rates for Examinations Conducted by a Third Party.

(1) No change.

(2) No change.

(3) No change.

(a) No change.

(b) Maximum per diem rates for domestic travel approved by the United States General Services Administration for Florida for Fiscal Year 2014 as set forth in “Domestic Per Diem Rates”, which may be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) and is hereby incorporated by reference.

(4) No change.

(5) No change.

The remainder of the rule reads as previously published.

69V-560.608 Currency Transaction Report Filings.

BSA Currency Transaction Reports, required by Section 560.123, F.S., must be filed with FinCEN using BSA E-Filing and FinCEN Form 112 ~~as required by 31 U.S.C. s. 5313~~, which is incorporated by reference in Rule 69V-560.1012, F.A.C., ~~as required by 31 U.S.C. s. 5313~~. Reports filed in this manner shall be deemed to have also been filed with the Office.

The remainder of the rule reads as previously published.

69V-560.609 Suspicious Activity Report Filings.

(1) Pursuant to Section 560.1235(1), F.S., licensees and authorized vendors must comply with all state and federal laws and rules relating to the detection and prevention of money laundering, including, as applicable, 31 C.F.R. Chapter X s.1022.320, relating to reports by money services businesses of suspicious transactions. For purposes of Section 560.1235(1), F.S., the federal law requirement to report suspicious transactions applies to the following money services businesses: payment instrument sellers that sell money orders or traveler’s checks, money transmitters, and foreign currency exchangers. These entities must report suspicious transactions to FinCEN using FinCEN Form 111, BSA Suspicious Activity Report, which is incorporated by reference in Rule 69V-560.1012, F.A.C., as required by 31 C.F.R. Chapter X s.1022.320, ~~BSA Suspicious Activity Report~~, and failure to do so is a violation of Section 560.1235, F.S.

(2) Under federal law, check cashers may, but are not required to, file reports of suspicious transactions; however, pursuant to Section 560.309(5), F.S., check cashers are required to report suspicious activity to the Office\_or an appropriate regulator based on the criteria set forth in 31 C.F.R. Chapter X s.\_1022.320. The Commission designates FinCEN as the appropriate regulator to receive such reports, which shall be submitted to FinCEN on FinCEN Form 111, BSA Suspicious Activity Report, which is incorporated by reference in Rule 69V-560.1012, F.A.C., ~~BSA Suspicious Activity Report~~. BSA Suspicious Activity Reports filed with FinCEN shall be deemed to have also been filed with the Office. Failure of a check casher to report suspicious activity to FinCEN is a violation of Section 560.309(5), F.S.

~~(3) FinCEN Form 111, BSA Suspicious Activity Report is incorporated by reference in Rule 69V-560.1012, F.A.C. Federal regulation 31 C.F.R. Chapter X s. 1022.320 is hereby incorporated by reference, and available on the Office’s website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.~~

The remainder of the rule reads as previously published.

69V-560.702 Payment Instrument Sellers.

(1) through (3) No change.

(4) Every payment instrument seller shall develop and implement written policies and procedures to monitor compliance with applicable state and federal law by its authorized vendors. The policies and procedures must at a minimum, should include, but are not limited to compliance with address the requirements found in the following applicable statutes and regulations:

(a) through (e) No change.

(5) through (7) No change.

~~(8) All federal laws and regulations referenced in this rule are hereby incorporated by reference and available on the Office’s website at [www.flofr.com](http://www.flofr.com) and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.~~

The remainder of the rule reads as previously published.

69V-560.703 Money Transmitters.

(1) through (3) No change.

(4) Every money transmitter shall develop and implement written policies and procedures to monitor compliance with applicable state and federal law by its authorized vendors. These policies and procedures must at a minimum, should include, but are not limited to compliance with address the requirements found in the following applicable statutes and regulations:

(a) through (e) No change.

- (5) No change.
- (6) No change.
- (7) No change.

~~(8) All federal laws and regulations referenced in this rule are hereby incorporated by reference and available on the Office's website at www.flor.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.~~

The remainder of the rule reads as previously published.

69V-560.704 Records to Be Maintained by Check Cashers.

- (1) No change.
- (2) No change.
- (3) No change.
- (4) (a) through (c) No change.
- (4)(d)1. through 2. No change.

(4)(d)3. Documentation of the business license/occupational license, business tax receipt, or its equivalent from the county municipality where the entity is located.

- (4)(d)5. No change.

(5)(a) In addition to the records required in subsections (2) and (3) ~~(1) and (2)~~ for payment instruments \$1,000.00 or more, the check casher shall create and maintain an electronic log of payment instruments accepted which includes, at a minimum, the following information:

- 1. through 11. No change.
- (b) No change.

(6) Check Cashing Database: Commencing on September 3, 2015, but no later than October 1, 2015, every check casher must in accordance with section 560.310(2), F.S., submit the following information into the check cashing database prior to the check casher providing currency (or payment instrument if a Part II licensee):

- 1. through 13. No change.
- (7) No change.

The remainder of the rule reads as previously published.

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NO.: 69V-560.7041  
 RULE TITLE: Check Cashing Database Access  
 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. 41 No. 146, July 29, 2015 issue of the Florida Administrative Register.

These changes are made in response to comments made by the Joint Administrative Procedures Committee and to correct technical errors.

69V-560.7041 Check Cashing Database Access.

- (1) No change.
- (2) A check casher's access to the database, including all locations of such check casher, will be terminated by the database vendor at such time as the Office of Financial Regulation provides notice to the database vendor via the nightly license information update or electronic mail that the check casher's license is revoked, expired, or terminated.

~~(a) Check casher license is revoked, expired, or terminated; or~~

- (3) No change.

~~(4)(6)~~ The Office of Financial Regulation will provide the database vendor with nightly updates Monday through Friday of each week. Any addition or change of access to the database shall be effective the next business day.

The remainder of the rule reads as previously published.

**Section IV  
 Emergency Rules**

NONE

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

DEPARTMENT OF LAW ENFORCEMENT  
 Criminal Justice Standards and Training Commission  
 RULE NO.: RULE TITLE:

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

The Criminal Justice Standards and Training Commission hereby gives notice:

On August 6, 2015, pursuant to notice, at a meeting held in Ponte Vedra, Florida, the Commission considered a petition for waiver of paragraphs 11B-27.002(4)(a) and (b), F.A.C., by Joshua Aponte. After careful consideration of the facts in this matter, the Commission found that Petitioner had demonstrated an economic, technological, legal, or other type of hardship resulting from a strict application of paragraphs 11B-27.002(4)(a) and (b), F.A.C., that was particular to petitioner, significantly different from the way the rule affects other similarly situated persons and issued an order granting Petitioner's petition for waiver of paragraphs 11B-27.002(4)(a) and (b), F.A.C.

A copy of the Order or additional information may be obtained by contacting: Linton B. Eason, Assistant General

Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation

The Criminal Justice Standards and Training Commission hereby gives notice:

On August 6, 2015, pursuant to notice, at a meeting held in Ponte Vedra, Florida, the Commission considered a petition for waiver of paragraph 11B-35.002(2)(a), F.A.C., by Marydell Guevera of the Miami-Dade Corrections and Rehabilitation Department on behalf of Venda Milton. After careful consideration of the facts in this matter, the Commission found that Petitioner had demonstrated an economic, technological, legal, or other type of hardship resulting from a strict application of paragraph 11B-35.002(2)(a), F.A.C., that was particular to petitioner, significantly different from the way the rule affects other similarly situated persons and issued an order granting Petitioner's petition for waiver of paragraph 11B-35.002(2)(a), F.A.C.

A copy of the Order or additional information may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation

The Criminal Justice Standards and Training Commission hereby gives notice:

On August 6, 2015, pursuant to notice, at a meeting held in Ponte Vedra, Florida, the Commission considered a petition for waiver of paragraph 11B-35.002(2)(a), F.A.C. by Chief Van Toth of the Hialeah Gardens Police Department on behalf of Wisner Dorismond. After careful consideration of the facts in this matter, the Commission found that Petitioner had demonstrated an economic, technological, legal, or other type of hardship resulting from a strict application of paragraph 11B-35.002(2)(a), F.A.C. that was particular to petitioner, significantly different from the way the rule affects other similarly situated persons and issued an order granting Petitioner's petition for waiver of paragraph 11B-35.002(2)(a), F.A.C.

A copy of the Order or additional information may be obtained by contacting:

Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-27.00212 Maintenance of Officer Certification

The Criminal Justice Standards and Training Commission hereby gives notice:

On August 6, 2015, pursuant to notice, at a meeting held in Ponte Vedra, Florida, the Commission considered a petition for waiver of paragraph 11B-27.00212(14)(e), F.A.C., by Director J. D. Patterson, Miami-Dade Police Department on behalf of Willie McFadden. After careful consideration of the facts in this matter, the Commission found that Petitioner had demonstrated an economic, technological, legal, or other type of hardship resulting from a strict application of paragraph 11B-27.00212(14)(e), F.A.C., that was particular to petitioner, significantly different from the way the rule affects other similarly situated persons and issued an order granting Petitioner's petition for waiver of paragraph 11B-27.00212(14)(e), F.A.C.

A copy of the Order or additional information may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on August 10, 2015, the Florida Department of Transportation, received a petition for Waiver from Choctawhatchee Electric Cooperative (CHELCO). CHELCO is purportedly requesting a waiver of the requirement of mitigation for tree removal in Section 4.5.2 "Restoration of Landscape" of the Utilities Accommodation Manual, incorporated by reference in Rule 14-46.001, F.A.C., for the installation of a proposed electric distribution line on SR 187 in Walton County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Clerk of Agency Proceedings, Florida Department of Transportation, Office of General Counsel, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, [FDOT.AgencyClerk@dot.state.fl.us](mailto:FDOT.AgencyClerk@dot.state.fl.us).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that on July 23, 2015, the Division of Drugs, Devices and Cosmetics has received the petition for Variance and Waiver from Piushbhai Patel, on behalf of Accelis Pharma. The petition seeks a waiver of its administrative rules of Rule 64F-12.015 F.A.C. Petitioner asserts that Petition is a virtual pharmaceutical company that does not handle, store or distribute drugs from their establishment and thus is seeking a waiver of the statutory requirement for wholesale distributors and out-of-state wholesale distributors to employ a certified designated representative in accordance with the provision of Section 499.012(16), F.S.

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

Please refer all comments to: Reggie Dixon, Executive Director, Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047, web-site:

[http://interredesignalpha/dbpr/ddc/ddc\\_division\\_notices.html](http://interredesignalpha/dbpr/ddc/ddc_division_notices.html).

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice:

Of the issuance of an Order regarding the Petition for Variance or Waiver, filed on May 19, 2015, by Tania Velasquez. The Notice of Petition for Waiver or Variance was published in Vol. 41, No. 100, of the May 22, 2015, Florida Administrative Register. The Petitioner sought a variance or waiver of Rule 64B7-28.009, F.A.C., regarding the continuing education requirements for renewal of her Florida massage license. The Board considered the instant Petition at a duly-noticed public meeting held on June 10, 2015, by telephone conference call.

The Board's Order, filed on June 16, 2015, denied the Petition for Variance or Waiver because the applicant has not met the purpose of the underlying statute, has not demonstrated a substantial hardship, nor does the application of the rule violate principles of fairness. Instructors in board-approved massage schools in Florida are not relieved of their obligation to complete continuing education based on the demands of their positions.

A copy of the Order or additional information 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 VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Division of Historical Resources announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, August 27, 2015, 1:30 p.m. – 3:30 p.m.

PLACE: Webinar/Room 404, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The webinar will provide an orientation to the Florida Historical Commission on the upcoming review of the Special Category grant application and online review system.

A copy of the agenda may be obtained by contacting: Grant staff at 1(800)847-7278, email: [BHPgrants@dos.myflorida.com](mailto:BHPgrants@dos.myflorida.com) or by visiting [dos.myflorida.com/historical/grants](http://dos.myflorida.com/historical/grants).

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 24 hours before the workshop/meeting by contacting: Grants staff at 1(800)847-7278, email: [BHPgrants@dos.myflorida.com](mailto:BHPgrants@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Grants staff at 1(800)847-7278, email: [BHPgrants@dos.myflorida.com](mailto:BHPgrants@dos.myflorida.com) or by visiting: [dos.myflorida.com/historical/grants/](http://dos.myflorida.com/historical/grants/).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Board of Professional Surveyors and Mappers announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2015, 10:00 a.m.

PLACE: Hilton Ocala, Saratoga Room, 3600 S.W. 36th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a meeting of the Board of Professional Surveyors and Mappers, Rules Workgroup. The Board has charged the Workgroup to review Rule Chapter 5J-17, F.A.C., discuss potential improvements to the rules, and prepare recommendations for the Board. Any recommendations by the Workgroup will be reviewed and discussed by the full Board in a separate meeting or rule workshop.

A copy of the agenda may be obtained by contacting: Jenna Harper, Executive Director, Board of Professional Surveyors

and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3674. One week prior to the meeting date, the agenda will also be available online at: [www.freshfromflorida.com/Public-Notices/](http://www.freshfromflorida.com/Public-Notices/)

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: Jenna Harper at (850)410-3674. 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: Jenna Harper, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3674.

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#### DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 7, 2015, 9:00 a.m. – 10:00 a.m., EST

PLACE: Conference call: 1(888)670-3525 passcode: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Evaluation Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove, (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org).

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#### DEPARTMENT OF EDUCATION

State Board of Education

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

DATE AND TIME: August 25, 2015, 10:30 a.m. – 11:30 a.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines St., Room #1505, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: WIOA – DOE Employees on WIOA Task Force.

A copy of the agenda may be obtained by contacting: Amy Weaver, (850)245-9759.

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 seven days before the workshop/meeting by contacting: Amy Weaver, (850)245-9759. 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: Amy Weaver, (850)245-9759.

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#### DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: August 27, 2015, 5:00 p.m. – 7:00 p.m.

PLACE: Our Lady Queen of Martyrs Church, 833 Magellan Drive, Sarasota, Florida 34243

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District One, is holding an open house to discuss the 15th Street East/301 Boulevard East Project Development & Environment (PD&E) Study from Tallevast Road to US 41 in Manatee County, Florida.

This meeting is being held to present the project progress to-date and obtain comments on the alternatives being considered. Department representatives will be available during the meeting to informally discuss the project and answer questions. Attendees are encouraged to come to this meeting at any time between 5 p.m. and 7 p.m. to review the proposed transportation improvements. FDOT will hold this meeting to give interested people the opportunity to review displays and talk one-on-one with staff.

A copy of the agenda may be obtained by contacting: David C. Turley, P.E., Project Manager, Florida Department of Transportation at (863)519-2255 or [david.turley@dot.state.fl.us](mailto:david.turley@dot.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jamie Schley, District One Title VI Coordinator, at (863)519-2573 or by email: [jamie.schley@dot.state.fl.us](mailto:jamie.schley@dot.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David C. Turley, P.E., Project Manager, Florida Department of Transportation at (863)519-2255 or [david.turley@dot.state.fl.us](mailto:david.turley@dot.state.fl.us).

DEPARTMENT OF TRANSPORTATION

Florida Seaport Transportation and Economic Development Council

The Seaport Environmental Management Committee of the Florida Seaport Transportation and Economic Development Council (FSTED) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 2, 2015, 9:00 a.m. – 12:00 Noon

PLACE: Hyatt Regency Sarasota, Keys Room, 1000 Boulevard of the Arts, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller in the Florida Ports Council offices at (850)222-8028 or by email: [toy.keller@flaports.org](mailto:toy.keller@flaports.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 48 hours before the workshop/meeting by contacting: Toy Keller in the Florida Ports Council offices at (850)222-8028 or by email: [toy.keller@flaports.org](mailto:toy.keller@flaports.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Toy Keller in the Florida Ports Council offices at (850)222-8028 or by email: [toy.keller@flaports.org](mailto:toy.keller@flaports.org).

DEPARTMENT OF TRANSPORTATION

Florida Seaport Transportation and Economic Development Council

The Florida Seaport Transportation and Economic Development Council (FSTED) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 3, 2015, 12:30 p.m. – 4:30 p.m.

PLACE: Hyatt Regency Sarasota, Keys Room, 1000 Boulevard of the Arts, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller in the Florida Ports Council offices at (850)222-8028 or by email: [toy.keller@flaports.org](mailto:toy.keller@flaports.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 48 hours before the workshop/meeting by contacting: Toy Keller in the Florida Ports Council offices at (850)222-8028 or by email: [toy.keller@flaports.org](mailto:toy.keller@flaports.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Toy Keller in the Florida Ports Council offices at (850)222-8028 or by email: [toy.keller@flaports.org](mailto:toy.keller@flaports.org).

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: August 19, 2015, 1:00 p.m., ET

PLACE: The Hermitage Centre, Everglades Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: All responses to be publicly opened in regards to the Invitation to Negotiate, ITN 15-02, Mutual Fund Family for Florida ABLE, Inc.

A copy of the agenda may be obtained by contacting: The Florida Prepaid College Board, ITN Administrator by email: [ITNinfo.Prepaid@myfloridaprepaid.com](mailto:ITNinfo.Prepaid@myfloridaprepaid.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 5 days before the workshop/meeting by contacting: the ITN Administrator at the e-mail address provided above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 24, 2015, 1:30 p.m.

PLACE: Hardee Correctional Institution, 6901 State Road 62, Bowling Green, Florida 33834-9505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of Hardee Life Path Program.

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: Florida Commission on Offender Review at [ada@fcor.state.fl.us](mailto:ada@fcor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The Florida Commission on Community Service announces a public meeting to which all persons are invited.

DATE AND TIME: August 21, 2015, 11:00 a.m.

PLACE: 3800 Esplanade Way, Suite 180, Tallahassee, Florida 32311

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Orientation for New Commissioners and Board Members

A copy of the agenda may be obtained by contacting: Paula Noor, (850)414-7400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Paula Noor, (850)414-7400. 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: Paula Noor, (850)414-7400.

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

DATE AND TIME: August 27, 2015, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

DATE AND TIME: August 27, 2015, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

DATE AND TIME: August 27, 2015, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, Olustee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

**REGIONAL PLANNING COUNCILS**

**North Central Florida Regional Planning Council**  
 The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.  
 DATE AND TIME: August 27, 2015, 7:30 p.m.  
 PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**  
 The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.  
 DATE AND TIME: September 16, 2015, 10:00 a.m.  
 PLACE: ECFRPC, 309 Cranes Roost Blvd., Suite 2000, Mayor John H. Land Boardroom, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular bi-monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Pegge Parker at pparker@ecfrpc.org or (407)262-7772, ext. 300.

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 two (2) days before the workshop/meeting by contacting: Pegge Parker at pparker@ecfrpc.org or (407)262-7772, ext. 300. 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: Pegge Parker at pparker@ecfrpc.org or (407)262-7772, ext. 300.

**REGIONAL PLANNING COUNCILS**

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

DATE AND TIME: September 16, 2015, 9:00 a.m.  
 PLACE: ECFRPC, 309 Cranes Roost Blvd., Suite 2000, Mayor John H. Land Boardroom, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Bi-monthly meeting of the Executive Committee.

A copy of the agenda may be obtained by contacting: Pegge Parker at pparker@ecfrpc.org or (407)262-7772, ext. 300.

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 two (2) days before the workshop/meeting by contacting: Pegge Parker at pparker@ecfrpc.org or (407)262-7772, ext. 300. 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: Pegge Parker at pparker@ecfrpc.org or (407)262-7772, ext. 300.

**METROPOLITAN PLANNING ORGANIZATIONS**

**Martin Metropolitan Planning Organization**  
 The Local Coordinating Board-Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2015, 2:30 p.m.  
 PLACE: Martin County Administration Center, 2401 SE Monterey Road, 4th Floor Workshop Conference Room, Stuart, FL 34996

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Consideration of the Gas Mileage Reimbursement (GMR) Program and the transportation services for the transportation disadvantaged.

A copy of the agenda may be obtained by contacting: www.martinmpo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Bonnie Landry, Senior Planner, Title VI/Non-discrimination Contact: (772)223-7983. 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: Bonnie Landry, Senior Planner, Title VI/Non-discrimination Contact: (772)223-7983.

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**METROPOLITAN PLANNING ORGANIZATIONS**

Martin Metropolitan Planning Organization

The Local Coordinating Board-Transportation Disadvantaged announces a hearing to which all persons are invited.

DATE AND TIME: August 31, 2015, 1:30 p.m.

PLACE: Martin County Administration Center, 2401 SE Monterey Road, Commission Chambers, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Public input on transportation disadvantaged services.

A copy of the agenda may be obtained by contacting: [www.martinmpo.com](http://www.martinmpo.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Bonnie Landry, Senior Planner, Title VI/Non-discrimination Contact: (772)223-7983. 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: Bonnie Landry, Senior Planner, Title VI/Non-discrimination Contact: (772)223-7983.

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**DEPARTMENT OF MANAGEMENT SERVICES**

Division of Communications

The Department of Management Services, DivTel, announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, September 1, 2015, 10:00 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This workshop will be to discuss and update the Standard Operating Procedures for the Statewide Law Enforcement Radio System network.

A copy of the agenda may be obtained by contacting: The Agenda will be available at the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debi Smith by email at [Debi.Smith@dms.myflorida.com](mailto:Debi.Smith@dms.myflorida.com) or by phone: (850)922-7435. 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: Debi Smith by email at [Debi.Smith@dms.myflorida.com](mailto:Debi.Smith@dms.myflorida.com) or by phone: (850)922-7435.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Florida Communities Trust Governing Board announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2015, 2:00 p.m.

PLACE: Conference Room A, Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399

Interested parties may also participate via conference call by dialing: 1(888)670-3525 and entering participant code: 4380835042 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The FCT Governing Board will consider the December 14, 2014 meeting minutes and any other business deemed necessary.

A copy of the agenda may be obtained by contacting: Linda Reeves at the Florida Department of Environmental Protection, Office of Operations, Land and Recreation Grants Programs, 3800 Commonwealth Blvd., Mail Station #103, Tallahassee, Florida 32399, Telephone: 1(850)245-2702, by email: [Linda.Reeves@dep.state.fl.us](mailto:Linda.Reeves@dep.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 5 days before the workshop/meeting by contacting: Linda Reeves using the contact information provided above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**DEPARTMENT OF HEALTH**

Board of Pharmacy

The Board of Pharmacy Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 27, 2015, 9:00 a.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

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: The Board of Pharmacy at (850)245-4292. 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: The Board of Pharmacy at (850)245-4292.

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#### DISABILITY RIGHTS FLORIDA

The Disability Rights Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2015, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites Orlando Airport 5835 T.G. Lee Blvd. Orlando, FL 32822, (407)888-9339

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disability Rights Florida, Florida's Protection & Advocacy Programs Quarterly/Joint Meeting of the Board of Directors/PAIMI Advisory Council.

A copy of the agenda may be obtained by contacting: Paige Morgan, 1(800)342-0823, ext. 9721.

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: Disability Rights Florida 2473 Care Drive, Suite 200 Tallahassee, FL 32308, 1(800)342-0823, TDD 1(800)346-4127. 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: Paige Morgan or Leslie Evans, 1(800)342-0823.

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#### ENTERPRISE FLORIDA, INC.

The Enterprise Florida Inc., Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 19, 2015, 4:00 p.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

A copy of the agenda may be obtained by contacting: Al Latimer, alatimer@enterpriseflorida.com, (407)956-5602.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Al Latimer, alatimer@enterpriseflorida.com, (407)956-5602. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### VHB

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

DATE AND TIME: Monday, August 31, 2015, 6:00 p.m. – 8:00 p.m., Open House; 6:30 p.m., Presentation

PLACE: First Baptist Church of Merritt Island, 140 Magnolia Avenue, Merritt Island, Florida 32952

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No.: 435631-1.

Project Description: Corridor Planning and Concept Development Study- SR 3 (Courtenay Parkway) from Fortenberry Road to Grant Road/Smith Road.

This is the first public meeting to be held as part of a community-based evaluation to determine how best to meet the needs of the traveling public. The purpose of this public kick-off meeting is to present and explain project goals and objectives, explain the study process, seek public and agencies input, and provide interested persons an opportunity to get involved with the study.

A copy of the agenda may be obtained by contacting: Judy Pizzo, MS, GISP, Planning Project Manager for FDOT at 719 South Woodland Boulevard, DeLand, FL 32720, by phone: (386)943-5167 or via email: judy.pizzo@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Curtis Ostrodka, at Vanasse Hangen Brustlin, 225 East Robinson Street, Suite 300, Orlando, FL 32801, by phone: (407)839-4006 or via email: costrodka@vhb.com.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator, by phone: (386)943-5367 or via email: Jennifer.Smith2@dot.state.fl.us.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Judy Pizzo, MS, GISP, FDOT Planning Project Manager at (386)943-5167 or via e-mail: judy.pizzo@dot.state.fl.us.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Jeffrey M. Rodewald on May 18, 2015. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 101, of the May 26, 2015, Florida Administrative Register. The Petitioner seeks a declaratory statement as to whether it is within the scope of his certified residential contractor’s license to perform work on a unit that is within a two story building containing multiple units. The Board’s Order, filed on July 31, 2015, declines to issue a declaratory statement in this matter because Petitioner is not substantially affected, as required by Section 120.565, Florida Statutes, and the Petition is not legally sufficient pursuant to 28-105.002, F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Rashelle R. Crofut on April 17, 2015. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 114, of the June 15, 2015, Florida Administrative Register. The Petitioner seeks a declaratory statement as to whether work experience gained under a Certified General Contractor can be used to qualify a foreman who desires to obtain his State Underground Utility

and Excavation Contractors License. The Board’s Order, filed on July 31, 2015, declines to issue a declaratory statement in this matter because the Petition is not legally sufficient, as it does not cite the statute or rule to be interpreted as required by Rule 28-105.002, F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Alliance Mechanical Solutions, LLC on April 6, 2015. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 109, of the June 5, 2015, Florida Administrative Register. The Petitioner seeks a declaratory statement as to whether the installation, including fitting and welding of metal, pre-engineered pipe, not including nonpressurized gas or fuel lines or fire or plumbing system piping, is with the scope of Rule 61G4-15.039, F.A.C., and if not, what license would be required to perform such activity. The Board’s Order, filed on July 31, 2015, declines to issue a declaratory statement in this matter because Petitioner is not substantially affected, as required by Section 120.565, Florida Statutes, and the Petition is not legally sufficient pursuant to Rule 28-105.002, F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

**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

FLORIDA HOUSING FINANCE CORPORATION

Financing To Build Smaller Permanent Supportive Housing Properties For Persons With Developmental Disabilities  
Florida Housing Finance Corporation (the Corporation) was appropriated \$10 million in grant funds by the 2015 Legislature for housing for Persons with Developmental Disabilities as defined in Section 393.063, F.S. This Request for Applications (RFA) will make up to \$7 million available to finance 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 of housing units, including Community Residential Homes as defined in Section 419.001, F.S. The Corporation is required to consider the extent to which funds from local and other sources will be used by Applicants to leverage these grant funds; employment opportunities and supports that will be available to Residents of the proposed housing; a plan for Residents to access community-based services, resources, and amenities; and partnerships with supportive services agencies.

Applications shall be accepted until 11:00 a.m., Eastern Time, on Friday, October 9, 2015, and sent to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at [Ken.Reecy@floridahousing.org](mailto:Ken.Reecy@floridahousing.org). The RFA, which outlines selection criteria and Applicant's responsibilities, can be downloaded from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-105/>

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

DEPARTMENT OF FINANCIAL SERVICES  
Division of Accounting and Auditing  
DFS AC RFP 15/16-02 - SECURITIES PROPERTY  
MANAGEMENT

The Department of Financial Services, Division of Division of Accounting and Auditing, Bureau of Unclaimed Property, is soliciting responses from interested parties to enter into a contract for the receipt, management, redistribution, and liquidation of securities assets by establishing a brokerage account in the name of the Department of Financial Services. The Request for Proposal identifies the requirements for the Contractor for the securities asset management effort.

Point of Contact/Procurement Officer: All questions must be in writing and should reference the above solicitation number and title. Submit all questions to Procurement Officer Pamela McLean via email at [pamela.mclean@myfloridacfo.com](mailto:pamela.mclean@myfloridacfo.com).

Response Due Date: On or prior to 3:00 p.m. EST, Tuesday, September 22, 2015, to the Procurement Officer identified to the following office location: Department of Financial Services, 200 East Gaines Street, Larson Building, Purchasing Services, Room B24, Tallahassee, Florida 32399-0317

The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to any public meeting identified within the solicitation. The Department will post notice of any changes regarding this solicitation or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise the notice in the Florida Administrative Register (FAR). To access the VBS go to the following web address: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

ADA Requirements: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Procurement Officer – see above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AULD & WHITE CONSTRUCTORS, LLC  
 DCPS Emtec Repair Shop  
 PROJECT NAME: DCPS Emtec Repair Shop  
 REQUEST FOR BIDS

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC, in conjunction with the Duval County Public Schools will be accepting sealed proposals, which will be received until 2:00 p.m., August 27, 2015, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project. Bids shall be opened publicly at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

SCOPE DESCRIPTION: This project consists of remodeling a portion of the existing Print Shop into a new Computer Repair Shop. Work to be completed early this fall. All bids to be submitted in a sealed envelope.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid no later than August 27, 2015. Project drawings and specifications are available at Auld & White Constructors, LLC. All interested bidders shall submit their Notice of Intent to Bid by fax to (904)296-1896, Attention Elizabeth Wilcox or e-mail at awcestimating@auld-white.com.

Duval County Public Schools and Auld & White Constructors, LLC are committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

**Section XII  
 Miscellaneous**

DEPARTMENT OF ECONOMIC OPPORTUNITY  
 Division of Community Development  
 Final Order No.: DEO-15-130

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-130 on August 13, 2015, in response to an application submitted

by South Wind Homeowners 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.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
 Division of Community Development  
 Final Order No.: DEO-15-129

In re: LAND DEVELOPMENT REGULATIONS  
 ADOPTED BY CITY OF MARATHON  
 ORDINANCE NOS. 2014-143 and 2015-59

**FINAL ORDER APPROVING  
CITY OF MARATHON ORDINANCE NO. 2014-143 and  
 2015-59**

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by the City of Marathon, Florida, Ordinance Nos. 2014-143 and 2015-59 (collectively, the “Ordinances.”)

**FINDINGS OF FACT**

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

2. The City of Marathon adopted Ordinance No. 2014-143 on November 12, 2014 Ordinance No. 2015-59 on June 9, 2015. The Ordinances were rendered to the Department on April 17, 2015.

3. Ordinance No. 2014-143 declared “zoning in progress” to defer processing of development applications for new developments that meet certain size criteria established in the Ordinance. The “zoning in progress” will allow the City to amend its affordable housing requirements, including issuing an RFP to gather information, while also examining current and developing additional land development regulations concerning real estate development.

4. Ordinance No. 2015-59 extended the “zoning in progress” declaration for an additional 180 days, up to December 6, 2015.

CONCLUSIONS OF LAW

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

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

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

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

9. The Ordinance is consistent with the City of Marathon Comprehensive Plan generally, and specifically Policy 1-3.5.13 (Inventory Affordable/Workforce Housing) and Policy 2-1.1.5 (Develop Affordable Housing Criteria).

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

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

(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance Nos. 2014-143 and 2015-59 are consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 14<sup>th</sup> day of August, 2015.

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

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

Diane Clavier, Clerk

City of Marathon  
 9805 Overseas Highway  
 Marathon, FL 33050

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

**AREA AGENCY ON AGING FOR NORTH FLORIDA**  
 Area Agency on Aging for North Florida, Inc.  
 Notice of Intent to Negotiate Exceptional Purchase  
 Contracts Pursuant to Section 287.012, Florida Statutes  
 August 17, 2015

The Area Agency on Aging for North Florida, Inc. (hereinafter "AAANF") noticed a Request for Proposal for Older Americans Act Supportive Services under Title III-B, and Nutrition Services under Titles C-1 and C-2 on June 30, 2015, pursuant to Section 287.057 Florida Statutes (hereinafter the "Proposal"). Providers were required by the Proposal to complete and submit by August 7, 2015, Appendix III, Notice of Intent to Submit a Proposal for 2016 Older Americans Act Titles III-B, C-1 and C-2. Said Notice, in addition to the Request for Proposal and notice thereof, provided that:

In the event that less than two Notices of Intent are received per county, the Area Agency on Aging for North Florida will institute the Exceptional Purchase (as defined in Section 287.012, Florida Statutes) provisions provided for by Chapter 287, Florida Statutes for a single source contract.

The August 7, 2015 deadline having passed, and the AAANF having reviewed all properly submitted notices of intent, hereby provide notice that, having received less than two Notices of Intent for each county, AAANF will institute the Exceptional Purchase provisions provided for by Chapter 287, Florida Statutes for a single source contract for each county as follows:

Gulf	Gulf County Senior Citizen Association, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Holmes	Holmes Council on Aging, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Jackson	Jackson County Senior Citizens Organization, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Jefferson	Jefferson Senior Citizen Center, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Leon	Elder Care Services Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Liberty	Liberty County Senior Citizens Association, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Madison	Senior Citizens Council of Madison County, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Taylor	Taylor Senior Citizens Center, Incorporated	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Wakulla	Wakulla Senior Citizens Council, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Washington	Washington County Council on Aging, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation

COUNTY	NOTICE OF INTENT RECEIVED BY:	METHOD OF PROCUREMENT GOING FORWARD
Bay	Bay County Council on Aging, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Calhoun	Calhoun County Senior Citizens Association, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Franklin	Wakulla Senior Citizens Council, Inc.	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation
Gadsden	Gadsden Senior Services, Incorporated	Negotiate and Award Single Source Contract Upon Completion of Successful Negotiation

Any party who is substantially affected by the AAANF's intended decision to award a contract for lead agency must file a written notice of protest with the AAANF within 72 hours after the posting of the notice of award, excluding weekends and state holidays.

Failure to file a notice of protest shall constitute a waiver of proceedings. A formal written protest must be filed within 10 calendar days after the date the notice of protest is filed, unless the 10th day falls on a weekend or state holiday, in which case the deadline shall be the next business day. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings.

AAANF at all times reserves the right to reject any one or all proposals and re-solicit responses or reopen the competitive procurement process for one or more counties.

Section XIII  
Index to Rules Filed During Preceding  
Week

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

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