

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Energy

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

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

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

RULEMAKING AUTHORITY: 212.08(7)(hhh)4.f., 220.192(7), 220.193(6) FS.

LAW IMPLEMENTED: 212.08(7)(hhh), 220.192, 220.193 FS.

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

DATE AND TIME: Wednesday, August 15, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Gatlin Ballroom, Rosen Shingle Creek, 9939 Universal Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001 or telephone (850)617-7470

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-1.002	Definitions
12D-1.009	Mapping Requirements

PURPOSE AND EFFECT: The purpose of the rulemaking action for the proposed amendment to Rule 12D-1.002 is to implement a statutory change enacted in Section 1 of Chapter

2012-193, Laws of Florida. The purpose of the rulemaking action for the proposed amendment to Rule 12D-1.009 is to update and clarify a provision dealing with the property ownership maps property appraisers use to help them identify, assess and value property. The effect of amending Rule 12D-1.002 is to ensure that statutory changes are incorporated into the Department’s rules on a timely basis. The effect of amending Rule 12D-1.009 is that the Department’s rules will reflect the most current procedures used by property appraisers.

SUBJECT AREA TO BE ADDRESSED: The subject of the proposed amendment to Rule 12D-1.002 is the definitions of words and phrases used by property appraisers in the procedures they follow when assessing and valuing property. The subject of the proposed amendment to Rule 12D-1.009 is the maps property appraisers use to help them identify, assess and value property.

RULEMAKING AUTHORITY: 193.085(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 193.085, 193.461, 195.022, 195.062 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department’s site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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 days before the workshop/meeting by contacting: Larry Green at (850)617-8871. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-6.006 Fee Time-Share Real Property

PURPOSE AND EFFECT: The purpose of these proposed amendments is to conform definitions contained in this rule to statutory changes. The effect of these proposed rule revisions is to provide property appraisers with better guidance regarding the assessment of fee timeshare properties.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule is the procedures property appraisers use to assess ad valorem taxes on fee timeshare properties.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 192.037, 193.011, 718.103, 719.103, 721.05, 721.08, 721.13 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-7.0025 Application for Certain Exemptions Without Required Documentation

PURPOSE AND EFFECT: : The purpose of this rulemaking action is to implement statutory changes enacted in Sections 19, 20, 21, 22, 27, and 28 of Chapter 2012-193, Laws of Florida. The effect of creating this rule is that applicants for certain exemptions can be granted exempt status while they await documentation that supports the exempt status.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule is the procedures taxpayers use to prove they qualify for certain property tax exemptions.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.081, 196.082, 196.091, 196.101, 196.202, 196.24, 197.182, 213.05 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this workshop posted on the Department's Internet site at the web site address listed: <http://dor.myflorida.com/dor/property/legislation/>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry

Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email: greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.005	Duties of the Board
12D-9.019	Scheduling and Notice of a Hearing
12D-9.020	Exchange of Evidence

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-9.001, 12D-9.005, and 12D-9.019 is to implement statutory changes enacted in Sections 2, 11, and 12 of Chapter 2012-193, Laws of Florida. The purpose of the proposed amendments to Rule 12D-9.020, F.A.C., is to implement the Administrative Law Judge’s ruling in Rob Turner, Hillsborough County Property Appraiser v. Department of Revenue, DOAH Case No 11-677, Summary Final Order dated June 22, 2011. It was found that the rule contradicts Section 194.011(4)(a), F.S. The effect of amending Rules 12D-9.001, 12D-9.005, and 12D-9.019 is to: recognize a taxpayer’s statutory right to request a rescheduled hearing appointment, if their petition is not heard at a value adjustment board (VAB) proceeding within a reasonable time after their originally-scheduled appointment; ensure that taxpayers who petition the VAB receive important information about their scheduled hearing; and, ensure the Department’s rules reflect recent statutory changes. The effect of the proposed amendments to Rule 12D-9.020 is to make the rule consistent with the Administrative Law Judge’s ruling regarding the exchange of evidence within the VAB hearing process.

SUBJECT AREA TO BE ADDRESSED: The subject of the proposed rule amendments to Rules 12D-9.001, 12D-9.005, and 12D-9.019 is the rights granted to petitioners at VAB proceedings; and, the specific procedures used in value adjustment board activities. The subject of the proposed rule amendments to Rule 12D-9.020 is the exchange of evidence process in VAB proceedings.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.0105, 193.074, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.301, 195.002, 195.022, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, 200.069, 213.05 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0129, telephone (850)617-8871, email greenlar@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12D-16.002	Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement provisions from Chapters 2010-147, 2011-182, and 2012-193 Laws of Florida, and to implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards, and the general public.

SUBJECT AREA TO BE ADDRESSED: Revision, creation and repeal of PTO forms to incorporate legislative changes and other technical changes. Draft forms and text of Rule 12D-16.002 is posted on the Department’s website at: <http://dor.myflorida.com/dor/property/legislation/>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 196.011, 196.015, 196.031, 196.075, 196.081, 196.082,

196.091, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department’s site at: <http://dor.myflorida.com/dor/property/legislation/>.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, GreenLar@dor.state.fl.us.

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PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0131
RULE TITLE: Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives

PURPOSE AND EFFECT: Rule 25-6.0131, F.A.C., would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly.

Undocketed.
SUBJECT AREA TO BE ADDRESSED: Electric utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 366.05 FS.
LAW IMPLEMENTED: 350.113, 366.14 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NOS.: 25-7.0131
RULE TITLES: Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts

25-7.101
PURPOSE AND EFFECT: Rules 25-7.0131 and 25-7.101, F.A.C., would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly.

Undocketed.
SUBJECT AREA TO BE ADDRESSED: Gas utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 366.05, 368.104 FS.

LAW IMPLEMENTED: 350.113, 366.14, 368.109 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NO.: 25-30.120
 RULE TITLE: Regulatory Assessment Fees; Water and Wastewater Utilities

PURPOSE AND EFFECT: Rule 25-30.120, F.A.C., would be amended to clarify the requirements for requesting an extension of due date for payment of regulatory assessment fees or for filing regulatory assessment fee return forms and to amend the filing forms accordingly. The Regulatory Assessment Fee Extension Request form would also be amended to require a statement of good cause for the extension request, as required by Section 350.113(5), FS.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Water and wastewater utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 367.121(1) FS.

LAW IMPLEMENTED: 350.113, 367.145, 367.161 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-1.108
 RULE TITLE: Officers, Term of Office and Duties

PURPOSE AND EFFECT: Split the office of Secretary-Treasurer into two offices, the office of Secretary and the office Treasurer.

SUBJECT AREA TO BE ADDRESSED: Structural management and Elected Officers of the Planning Council.

RULEMAKING AUTHORITY: 186.505, 120.54 FS.

LAW IMPLEMENTED: 186.505 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 15, 2012, 10:00 a.m.

PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hugh Harling, Jr., (407)262-7772 or hharling@ecfrpc.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

29F-1.108 Officers, Term of Office and Duties.

(1) At the annual meeting of the Council, the Council shall elect from its membership the following officers: Chairperson, Vice-Chairperson, Secretary and Treasurer and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until reelected or a successor is elected.

(2) The newly elected officers shall be declared installed following their election, and shall assume the duties of office.

(a) The Chairperson shall be responsible for overseeing the organization of the work of the Council; for seeing that all policies of the Council are carried out; for signing any contract or other instrument that the Council deems in its best interest; and for presiding over all Council meetings. The Chairperson, or a designated Council Member, shall be an ex officio member of all committees.

(b) The Vice-Chairperson shall act in the Chairperson's absence or inability to act. The Vice-Chairperson shall perform such other functions as may be assigned by the Chairperson or the Council.

(c) The Secretary-Treasurer Secretary shall be responsible for minutes for the meeting; keeping the roll of members; general oversight of the financial affairs of the Council and such other duties as may be assigned by the Chairperson or the Council.

(d) The Treasurer shall be responsible for the general oversight of the financial affairs of the Council; and such other duties as may be assigned by the Chairman or the Council.

(3) There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary/Treasurer, Secretary, Treasurer and the immediate past Chairperson still in continuous service on the Council. If there is no immediate past Chairperson still in continuous service, the Council shall elect a member to serve on the Executive Committee until such time as there is an immediate past Chairperson still in continuous service.

Rulemaking Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New 9-22-99, Amended 11-16-11,_____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-103.002	Inmate Grievances – Terminology and Definitions
33-103.005	Informal Grievance
33-103.006	Formal Grievance – Institution or Facility Level
33-103.007	Appeals and Direct Grievances to the Office of the Secretary
33-103.011	Time Frames for Inmate Grievances
33-103.014	Reasons for Return of Grievance or Appeal Without Processing
33-103.015	Inmate Grievances – Miscellaneous Provisions
33-103.016	Follow Through on Approved Grievances
33-103.018	Evaluation of the Grievance Procedure

PURPOSE AND EFFECT: The purpose of the rulemaking is to update the inmate grievance rules and to implement ch. 2012-41, Laws of Florida concerning grievances over the restraint of pregnant inmates. Form DC1-306 is revised for conformity with the rule and Department titles are changed. The effect of the rulemaking is to promote efficiency by specifying matters for which an inmate may proceed directly to a formal grievance or to the Office of Secretary without first having to submit an informal grievance. The rulemaking provides a new grievance procedure, including a time extension, for grievances relating to restraint of pregnant inmates.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS., Ch. 2012-41, Laws of Fla.

LAW IMPLEMENTED: 944.09 FS., Ch. 2012-41, Laws of Fla.

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) through (9) No change.

(10) Grievance of Sentence Structure (Release Date Calculations): Complaints concerning the manner in which the Department records and executes the judgment and sentence of the court. This category of appeal involves the calculation of the release date but does not include the determination of monthly gain time awards. Included are questions relating to the length of sentence, whether the court imposed mandatory or special sentencing provisions, credit for time served, date of imposition of sentence, sentence chaining (concurrent or consecutive), and forfeitures arising from judicial or Parole Commission revocations (not forfeitures through the administrative disciplinary process).

~~(11)(40)~~ HIPAA: The Health Insurance Portability and Accountability Act of 1996.

~~(12)(41)~~ Informal Grievance: ~~This is an~~ initial statement of complaint filed on Form DC6-236, an Inmate Request, ~~with the staff member who is responsible in the particular area of the problem.~~ Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The effective date of the form is 6-12.

~~(13)(42)~~ Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Policy Management and Inmate Appeals or his or her representative, ~~the Bureau Chief of Classification or his or her representative,~~ and the Library Services Administrator or his or her representative.

~~(14)(43)~~ Recipient: A person or office receiving an inmate grievance for processing.

~~(15)(44)~~ Reviewing Authority: A staff member authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) Informal Grievance: Staff member designated by the warden who is responsible for the issue grieved.

(b) through (d) No change.

~~(16)(45)~~ Response: The information provided to the inmate relative to the decision to approve, deny, or return the grievance and the reasons for the approval, denial, or return.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, 3-25-08, 5-27-12, _____.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance. Inmates may skip this step and initiate the process at the formal institutional level for issues pertaining to the following: grievance of an emergency nature, grievance of reprisal, grievance alleging violations of the Americans with Disabilities Act, medical grievance, grievance involving gain time governed by Rule 33-601.101.

~~F.A.C. Incentive Gain Time, grievance challenging placement in close management or subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., grievances regarding disciplinary action (does not include corrective consultations) governed by Rule 33-601.301-314, F.A.C. In the case of an emergency grievance, a grievance of reprisal, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process. Inmates may proceed directly to the Office of the Secretary on the following issues as governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA), rather than initiating an informal or formal grievance grievance of emergency nature, grievance of reprisal, protective management, admissible reading material, sentence structure issues (release date calculations), and inmate banking issues.~~

(a) through (c) No change.

(2) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, 1-31-10, 5-27-12, _____.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) No change.

(2) Procedural Requirements.

(a) through (b) No change.

(c) The inmate shall state his grievance in Part A. If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303. Only 2 additional pages of narrative will be allowed. If the inmate writes his complaint anywhere other than within the boundaries of Part A or on the 2 allowable attachment pages, his grievance shall be returned for non-compliance.

(d) through (i) No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraph 33-103.002(15)(14)(b), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) through (f) No change.

(g) Grievance challenging placement in close management or subsequent review. Grievance involving sentence structure.

(h)(i) Grievance alleging violation of the Americans with Disabilities Act.

(i)(j) Grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.

(4) through (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, 3-25-08, 5-27-12, _____.

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) No change.

(2) Procedural Requirements.

(a) No change.

(b) The inmate shall state his grievance in Part A. If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303. Only 2 additional pages of narrative will be allowed. If the inmate writes his complaint anywhere other than within the boundaries of the Part A Box or on the 2 allowable attachments pages, his grievance shall be returned for non-compliance;

(c) through (f) No change.

(3) through (4) No change.

(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) Attach a copy of his formal grievance and response, except when appealing issues regarding requests for protective management, admissible reading material, sentence structure (release date calculations), inmate banking, emergencies or allegations of reprisal. (These may be filed directly to the Office of the Secretary).

(b) Attach a copy of his informal grievance and response, except when appealing issues regarding medical, Americans with Disabilities Act, gain time governed by Rule 33-601.101, F.A.C. Incentive Gain Time, placement in close management and subsequent reviews, return of incoming mail governed by Rule 33-210.101(14), F.A.C., disciplinary action (does not include corrective consultations) governed by Rule 33-601.314, F.A.C. grievances on inmate bank issues, sentence structure, disciplinary action (excluding corrective consultations), medical issues, admissible reading material, placement in close management and subsequent reviews, violation of the American with Disabilities Act, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time.

(c) through (e) No change.

(6) Direct Grievances.

(a) Emergency grievances, grievances of reprisals, protective management, admissible reading material, grievances concerning sentence structure (release date calculations), or inmate banking issues may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency or is a grievance of a reprisal. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. through 3. No change.

(b) No change.

(c) Grievances filed directly with the Office of the Secretary that are grievances of reprisal, protective management, admissible reading material, sentence structure (release date calculations), inmate banking issues, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

(d) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, protective management, admissible reading material, sentence structure (release date calculations), inmate banking issues, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four types of grievances.

(7) through (8) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06, 3-25-08,_____.

33-103.011 Time Frames for Inmate Grievances.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) Filing of Grievances.

(a) Informal Grievances – Must be received within 20 days of when the incident or action being grieved occurred unless the inmate has requested in writing and received approval for a 45 day extension to file an informal grievance about being physically restrained during pregnancy, labor or post-partum recovery pursuant to Rule 33-602.211, F.A.C. The request for an extension must be submitted on Form DC6-236, Inmate Request, and received within 20 days of the application of restraints.

(b) through (d) No change.

(2) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, 3-25-08, 5-27-12,_____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, direct grievance, or grievance appeal, hereafter referred to as “grievance,” may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) through (j) No change.

~~(k) The inmate is being advised to re-file an informal grievance with a specific staff member.~~

~~(k)(4)~~ The inmate has written his or her complaint outside of the boundaries of the space provided on the grievance form or request form.

~~(l)(m)~~ The inmate has used multiple copies of grievance forms rather than attachments as continuation sheets.

~~(m)(n)~~ A decision has already been rendered to an inmate by a particular office on the issue currently being grieved before it.

~~(n)(o)~~ The inmate is grieving a matter beyond the control of the Department as described in subsection 33-103.001(4), F.A.C.

~~(o)(p)~~ The inmate is raising allegations and charges in a grievance appeal that have not been raised below at the previous level. (Since this is an appellate review process and not a fact-finding process, it is not appropriate to raise new allegations, charges, and facts that the previous decision maker has not had an opportunity to investigate and respond to.)

~~(p)(q)~~ The inmate has filed more than one appeal of a grievance. This would not include the situation where an inmate wishes to appeal the denial of his grievance as well as allege non-compliance with the grievance process. Since these are two separate issues, they would have to be raised in separate grievances.

~~(q)(+)~~ The inmate has filed a supplement to a grievance or appeal that has already been accepted. An exception will be made when the supplement contains relevant and determinative information that was not accessible to or known by the inmate at the time the original grievance or appeal was filed.

~~(r)(+)~~ Complaints are raised by an inmate regarding incidents that do not affect the inmate personally.

~~(s)(+)~~ The inmate filed a grievance at the institutional level that should have been filed directly with the Office of the Secretary.

~~(t)(+)~~ The inmate used more than two (2) additional narrative pages.

~~(u)(+)~~ The inmate filed an informal grievance in excess of 20 days from the time the event being grieved occurred.

~~(v)~~ The inmate is using the grievance process to ask questions or seek information, guidance or assistance.

~~(w)~~ The inmate is filing an informal grievance about being physically restrained pursuant to Rule 33-602.211, F.A.C., either beyond the initial required timeframe without first requesting and obtaining an extension, or has filed beyond an approved 45 day extension.

(2) An inmate who has a grievance returned to him for reasons stated in subsection (1) above [excluding paragraph (1)(d), (e), (h), (i), ~~(m)(+)~~, ~~(n)(+)~~, ~~(p)(+)~~, ~~(q)(+)~~, ~~(r)(+)~~, ~~(u)~~, ~~(v)~~ or ~~(w)~~] may refile utilizing the proper procedure or correct the stated deficiency and refile if upon receipt of this notification the filing is within time frames allowable. When a grievance is returned to an inmate for being improperly filed, the inmate shall be told why the grievance was returned and told that in order to receive administrative review of his complaint he must correct the defects and re-submit the grievance within the time frames set forth in Rule 33-103.011, F.A.C., unless instructed otherwise in the grievance response. Instructions to resubmit are not necessary if a grievance is returned for reasons stated in paragraph (1)(d), (e), (h), (i), ~~(m)(+)~~, ~~(n)(+)~~, ~~(p)(+)~~, ~~(q)(+)~~, ~~(r)(+)~~, ~~(u)~~, ~~(v)~~ or ~~(w)~~.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, 2-9-05, 6-13-12,_____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (11) No change.

(12) Staff shall respond to inquiries made by the Bureau of Policy Management and Inmate Grievance Appeals by the close of business on the seventh day after the request.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, 2-9-05, 9-4-05, 10-28-07, 5-27-12,_____.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances that are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of Form DC1-306, Grievance Approval Action Form. Form DC1-306 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399. <http://www.flrules.org/Gateway/reference.asp?No=Ref-01224>. The effective date of the form is _____ ~~08-01-00~~.

(b) through (f) No change.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, 3-25-08,_____.

33-103.018 Evaluation of the Grievance Procedure.

The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Regional Directors of Institutions Office of Internal Audit. This evaluation shall include information obtained from a survey of staff and inmates, review of employees’ and inmates’ comments on the effectiveness and credibility of the procedure, on-site visits to institutions and facilities by staff of the Bureau of Policy Management and Inmate Appeals ~~Bureau of Internal Audit~~, and from requested reports prepared by the Bureau of Policy Management and Inmate Appeals.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended 2-9-05, 5-27-12,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.311
 RULE TITLE: Inmate Discipline – Miscellaneous Provisions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify when an inmate awaiting a disciplinary hearing may be transferred. Where circumstances dictate, an inmate may be immediately transferred before disciplinary hearings are held.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.
 RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.719, 945.04 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.311 Inmate Discipline – Miscellaneous Provisions.

(1) through (2) No change.

(a) No change.

(b) If it becomes necessary to transfer an inmate who is awaiting disciplinary action, the team hearing should be held prior to the transfer. Exceptions to this shall be made ~~only~~ in extreme circumstances, ~~for example, strikes or disturbances~~ where the situation dictates immediate transfer before the disciplinary hearings can be held. A memorandum explaining the circumstances precluding the scheduling of the hearing shall be sent with the inmate record at the time of the transfer. The sending institution shall complete the heading section, identifying the inmate and charge, and statement of facts, of the disciplinary report. The disciplinary investigation report shall be completed by the sending institution if time permits, and forwarded to the receiving institution. The receiving institution shall complete the inmate notification, the disciplinary investigation report and the designating authority review, if not completed prior to transfer. The Team/Hearing Officer Findings and Action, shall be completed by the receiving institution after the hearing and approved by the warden.

(c) No change.

(3) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.719, 945.04 FS. History–New 3-12-84, Formerly 33-22.11, Amended 12-30-86, 5-24-90, 10-1-95, Formerly 33-22.011, Amended 5-21-00, 2-11-01, 7-8-03, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220
 RULE TITLE: Administrative Confinement

PURPOSE AND EFFECT: The primary purpose of this rulemaking is to amend Form DC4-650, Observation Checklist. The proposed rule also strikes the forms list and, instead, incorporates each form in the substantive rule text.

SUBJECT AREA TO BE ADDRESSED: Administrative Confinement

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 20.315, 944.09, 945.04 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) through (3)(c)1. No change.

2. If the inmate submits a request for release in writing at any time during the ICT review or investigation process, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision. Form DC6-203 is hereby incorporated by reference ~~in subsection (11) of this rule.~~ A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-03. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate’s written request.

3. through 4. No change.

5. The State Classification Office (SCO) shall determine within five working days whether protection is necessary based upon the investigation and any follow-up they deem appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO’s decision shall be documented in the electronic classification contact log in OBIS. If the SCO determines that a need for protection exists, they shall direct that the inmate shall be placed in a protective management unit or transferred to resolve the inmate’s need for protection. If a decision is made to transfer the inmate for housing in a protective management unit or to resolve the inmate’s need for protection at the inmate’s current location, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to approve transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to Rules 33-103.007 and 33-103.011, F.A.C. The inmate shall be notified of the SCO’s decision by the ICT. At the time of notification, the inmate shall be asked if he wants to appeal the decision. The inmate’s acknowledgement of being informed of the SCO denial and the inmate’s decision on whether or not to appeal shall be documented on the electronically produced Notification of Protective Management Disapproval, Form DC6-137, and the

electronic contact log. Form DC6-137 is hereby incorporated by reference ~~in subsection (11) of this rule~~. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-03. The inmate shall remain in administrative confinement until the appeal process is complete.

6. through (6)(e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to him or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. ~~Form DC4-650 is incorporated by reference in subsection (11) of this rule.~~

(g) through (10) No change.

~~(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(a) Form DC4-650, Observation Checklist, effective date 4-8-08.~~

~~(b) Form DC6-203, Protection Waiver/Appeal Decision, effective date 1-19-03.~~

~~(c) Form DC6-137, Notification of Protective Management Disapproval, effective 1-19-03.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, 7-5-10, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.071

RULE TITLE:
Durable Medical Equipment and
Medical Supply Services Provider
Fee Schedules

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.071 is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supply Services Provider Fee Schedules, June 2012. The amendment updates Durable Medical Equipment (DME) and medical suppliers who provide services to Medicaid recipients.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

An additional area to be addressed during the workshop will be the potential regulatory impact of Rule 59G-4.071 as provided for under sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, August 15, 2012, 10:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Gabric, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida. 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida

Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, ~~June 2012~~ ~~November 2011~~, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, ~~June 2012~~ ~~November 2011~~, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 5-7-07, Amended 5-8-08, 9-28-11, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130 RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.130 is to incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, update August 2012. The handbook is being revised to comply with mandates passed in the 2012 Legislative Session, which include: limiting home health visits to three visits per day for non-pregnant adults and implementing a Telephonic Home Health Service Delivery Monitoring and Verification Program statewide.

SUBJECT AREA TO BE ADDRESSED: Home Health Services

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.908, 409.9081, 409.912, 409.913, 409.9132, 409.9133 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, August 15, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida, 32308

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: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida, 32308-5407, (850) 412-4266, claire.davis@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, ~~August 2012~~ ~~December 2011~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. The Both handbooks is~~ are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7.

(3) No change.

(4) The following appendices are included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook and are incorporated by reference: Appendix B, Home Health Certification and Plan of Care, Form CMS-485(C-3)(02-94) (Formerly HCFA-485), December 2011; and in Appendix C, the Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian, AHCA-Med Serv Form 046, July 2008; Appendix D, Guidelines for Evaluating Family Support and Care Supplements, December 2011; Appendix E, Physician Visit Documentation Form AHCA-Med Serv Form 5000-3502, October 2010; Appendix F, Parent or Legal Guardian Medical Limitations AHCA-Med Serv Form 5000-3501, October 2010; Appendix G, Parent or Legal Guardian Work Schedule AHCA-Med Serv Form 5000-3503, December 2011; Appendix H, Parent or Legal Guardian Statement of Work Schedule AHCA-Med Serv Form 5000-3504, December 2011; Appendix I, Parent or Legal Guardian School Schedule AHCA-Med Serv Form 5000-3505, December 2011; Appendix J, Medicaid Instructions for Personal Care Services Plan of Care and Form AHCA-Med Serv Form 5000-3506, December 2011; Appendix K, Medicaid Physician's Written Prescription for Home Health Services AHCA-Med Serv Form 5000-3525, December 2011; Appendix L, Review Criteria for Private Duty Nursing Services, December 2011; and Appendix M, Medicaid Review Criteria for Personal Care Services, December 2011. The forms are available by photocopying them from the handbook.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913, 409.9132, 409.9133 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08, 6-25-12, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.205 Practitioner Services

PURPOSE AND EFFECT: The purpose of new Rule 59G-4.205 is to incorporate by reference the new Florida Medicaid Practitioner Services Coverage and Limitations Handbook, October 2012. The new handbook applies to all Medicaid enrolled Physicians, Advanced Registered Nurse Practitioners, Physician Assistants, Anesthesiologist Assistants, and Registered Nurse First Assistants. Enrolled practitioners listed above must be in compliance with all provisions and requirements of the handbook. This includes policy clarification and updated information regarding billing.

SUBJECT AREA TO BE ADDRESSED: Practitioner Services
An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.205 will have as provided for under sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919, FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, August 15, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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: Kathleen Core at the Bureau of Medicaid Services, (850)412-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathleen Core, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida. 32308-5407, telephone: (850)412-4221, e-mail: kathleen.core@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.205 Practitioner Services.

(1) This rule applies to all Physicians, Advanced Registered Nurse Practitioners, Physician Assistants, Anesthesiologist Assistants, and Registered Nurse First Assistants enrolled in the Medicaid program.

(2) All practitioner providers listed above and enrolled in the Medicaid program must be in compliance with the Florida Medicaid Practitioner Services Coverage and Limitations Handbook, October 2012, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent’s Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. A paper copy of the handbook may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.:	RULE TITLES:
60L-39.0015	Definitions
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.0041	Eligibility Criteria for Receipt of Tier One Undesignated Funds
60L-39.005	Application Procedures
60L-39.006	Department Duties and Responsibilities
60L-39.007	Appeals
60L-39.008	Local Steering Committees
60L-39.009	Campaign Supported Activities

PURPOSE AND EFFECT: The Department proposes revisions to the rule in order to clarify and align provisions with statutory authority. Chapter 2012-15, Laws of Florida, amends the FSECC statute (Section 110.181, F.S.) to require that all employees who participate in the campaign must designate the participating charity(ies) which are to receive their donations, and to remove all references to “undesignated funds”.

SUBJECT AREA TO BE ADDRESSED: Rule 60L-39, F.A.C., needs to be amended to repeal the provisions related to the raising of undesignated funds; the process and form used to determine eligibility for charities to receive undesignated funds; and the allocation of undesignated funds. In its place, the revised rule proposes a uniform method by which agency sponsored events can be used to raise “designated” funds; updates program terminology; and provides for use of new pledge forms.

RULEMAKING AUTHORITY: 110.181(3) FS
 LAW IMPLEMENTED: 110.181 FS
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: August 14, 2012, 10:00 a.m.
 PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950
 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: Ms. Erin S. Thoresen at (850)922-1274 or by email at Erin.Thoresen@dms.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Erin S. Thoresen at (850)922-1274 or by email at Erin.Thoresen@dms.myflorida.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete modify language to clarify the continuing education requirements for certificate holders and registrants.
 SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for certificate holders and registrants.
 RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.
 LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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 WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

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

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-10.011	Purpose and Scope
63F-10.012	Definitions
63F-10.013	Requests for Youth Information
63F-10.014	Release of Records by Department
63F-10.015	Record Sharing Agreements with Other Government Agencies
63F-10.016	Confidentiality of Records Released by Department

PURPOSE AND EFFECT: The rule establishes the process by which the department may make available records regarding youth.
 SUBJECT AREA TO BE ADDRESSED: The rule describes the procedures by which requests for youth records and access to youth are processed and acted upon. Media access to youth is also addressed.
 RULEMAKING AUTHORITY: 985.04, 985.64 FS.
 LAW IMPLEMENTED: 985.04 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Tuesday, August 28, 2012, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact: John Milla at (850)921-4129.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.:	RULE TITLE:
64B-9.001	Biennial Licensing

PURPOSE AND EFFECT: To update the material incorporated by reference to comply with the requirements in Chapter 2012-64, L.O.F.
 SUBJECT AREA TO BE ADDRESSED: Renewal Notices.
 RULEMAKING AUTHORITY: 456.004(1) FS.
 LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane Dennin, Operations and Management Consultant I, 4052 Bald Cypress Way, Bin #C-01, Tallahassee, Florida 32399-3257
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-7.004
RULE TITLE: Continuing Education
PURPOSE AND EFFECT: To update the continuing education requirements for physicists-in-training.
SUBJECT AREA TO BE ADDRESSED: Continuing education.
RULEMAKING AUTHORITY: 483.901(6)(j) FS.
LAW IMPLEMENTED: 483.901(6)(j) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-3.001	Fees
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0031	Radiation Therapy Assistance by General Radiographers
64E-3.0032	Radiologist Assistant Duties and Supervision.
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.004	Practice of Radiologic Technology by Applicants for Certification by Examination

64E-3.005	Written Examinations
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses
64E-3.010	Reactivation of Inactive Certificates
64E-3.011	Disciplinary Guidelines

PURPOSE AND EFFECT: To implement Chapter 2012-168, L.O.F., to include new specialty technologist categories and amend rule language as necessary to ensure that all rules conform to statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees; definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; title, scope of practice and prohibited practices for all persons certified or governed by Ch. 468, Part IV; x-ray; radiography; nuclear medicine; radiation therapy; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation, and relinquishment; investigations; disciplinary guidelines; national organizations; specialty boards; advisory council recommendations.

RULEMAKING AUTHORITY: 381.0034, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307(1), 468.309, 468.3095, 468.3101(4), (6) FS.

LAW IMPLEMENTED: 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.314 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brenda Andrews, 4052 Bald Cypress Way, Bin C21, Tallahassee, FL 32399-1741, (850)245-4266; Brenda_Andrews@doh.state.fl.us.
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale

- 67-21.006 Development Requirements
- 67-21.007 Fees
- 67-21.008 Terms and Conditions of MMRB Loans
- 67-21.009 Interest Rate on Mortgage Loans
- 67-21.010 Issuance of Revenue Bonds
- 67-21.013 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
- 67-21.014 Credit Underwriting Procedures
- 67-21.015 Use of Bonds with Other Affordable Housing Finance Programs
- 67-21.017 Transfer of Ownership
- 67-21.018 Refundings and Troubled Development Review
- 67-21.019 Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2013 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

RULEMAKING AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 14, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will not be accessible via telephone

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: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Len

Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2013 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2012 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: August 14, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will not be accessible via telephone

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-2.006	Restricted Species Endorsement Exemption

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule additions to the Restricted Species Saltwater Products License Endorsement requirements in the 2012 calendar year to assist veterans looking to enter the commercial fishing industry.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include exemptions to the requirements of the Restricted Species Endorsement located in Section 379.361, F.S., for Florida resident veterans of the United States Armed Forces.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.:	RULE TITLE:
73B-11.013	Filing Claims and Providing Documentation

PURPOSE AND EFFECT: The amendment set forth in this Notice of Rule Development will require reemployment assistance claimants to register for work by logging onto the Employ Florida Marketplace (EFM) website and providing an email address, completing the EFM Background Wizard, and creating an online resume.

SUBJECT AREA TO BE ADDRESSED: Reemployment Assistance Claims and Benefits.

RULEMAKING AUTHORITY: 443.091(1)(a), 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.1116 FS.

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

DATE AND TIME: August 20, 2012, 3:00 p.m.

PLACE: Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Room 110, Tallahassee, Florida 32399-6545

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: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-11.013. Filing Claims and Providing Documentation.

(1) through (2) No change.

(3) Registration for Work.

(a) Unless exempted under Section 443.091(1)(b), F.S., the claimant must file a complete work registration on the Employ Florida Marketplace website, which may be accomplished by logging onto <http://www.employflorida.com>. To complete the work registration, the claimant must: The filing of an unemployment compensation claim also constitutes registration for job search and reemployment assistance with the One-Stop Career Center nearest the claimant's address of record.

1. Provide an email address;

2. Complete the Background Wizard; and

3. Create an Online Resume.

(b) The Background Wizard and Online Resume application may require the claimant to provide information relating to his or her:

1. Level of education;

2. Occupational license or certification;

3. Skills and abilities;

4. Driver's license;

5. References; and

6. Any other information required by the Department in its online application process.

(4) No change.

(5) No change.

Rulemaking Authority 443.091(1)(a), 443.1317(1)(b), 443.151(2)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116 FS. History—New 8-25-92, Formerly 38B-3.013, Amended 8-14-08, 11-27-11, Formerly 60BB-3.013, Amended _____.

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:

RULE TITLE:

19B-16.003

Participation Agreement

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida College Investment Plan (Florida 529 Savings Plan) Disclosure Statement and Participation Agreement.

SUMMARY: The Florida College Investment Plan (Florida 529 Savings Plan) Disclosure Statement and Participation Agreement.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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:

DATE AND TIME: August 10, 2012, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request to the Florida Prepaid College Board at (850)488-3555. 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: Kevin Thompson, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the disclosure statement and participation agreement. The Florida College Investment Plan Disclosure Statement and Participation Agreement, Form No. FPCB 2012-04 2010-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (3) No change.

(4) The disclosure statement and A participation agreement shall remain in effect until terminated pursuant to Rule 19B-16.010, F.A.C.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History—New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06, 12-4-07, 5-29-08, 6-3-09, 6-22-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2012

PUBLIC SERVICE COMMISSION

Docket No. 110313-PU

RULE NOS.:	RULE TITLES:
25-7.059	Use of Meters
25-7.060	Location of Meters and Associated Appurtenances
25-7.061	Meter Testing Equipment
25-7.062	Meter Testing Methods
25-7.064	Meter Testing for Accuracy
25-7.065	Meter Test by Request
25-7.066	Meter Test – Refereed Disputes
25-7.070	Sealing Meters
25-7.071	Measuring Customer Service
25-7.084	Meter Readings

PURPOSE AND EFFECT: To update and clarify the rules and to remove obsolete and unnecessary language.

SUMMARY: Rule 25-7.059 is amended to accurately describe the “pressure control” function; Rule 25-7.060 is amended to delete obsolete meter locating requirements; Rule 25-7.061 is amended to delete obsolete meter-testing technology language; Rule 25-7.062 is amended to remove obsolete language and to clarify language; Rule 25-7.064 is amended for accuracy and clarification; Rule 25-7.065 is amended to add allowable methods of test request and to add clarifying language; Rule 25-7.066 is amended to add clarifying language; Rule 25-7.070 is amended to update terminology; Rule 25-7.071 is be amended to delete unnecessary language; Rule 25-7.084 is amended to remove obsolete language and to add clarifying language

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 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: based upon the information contained in the SERC.

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: 350.127(2), 366.05(1) FS.
LAW IMPLEMENTED: 366.03, 366.05(1), (3), (4), (5), 366.08 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-7.059 Use of Meters.

(1) No change.

(2) Unless otherwise authorized by the Commission, each utility shall provide and install at its own expense and shall continue to own, operate, and maintain all equipment necessary for the ~~pressure control regulation~~ and measurement of gas to its customers.

(3) through (4) No change.

~~Rulemaking Specific~~ Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.59, Amended _____.

25-7.060 Location of Meters and Associated Appurtenances.

(1) The customer shall furnish a convenient, accessible and safe place in which the meter can be installed, operated and maintained. This location insofar as practical shall be outside the building and free of ~~possible excessive temperature variations~~ or causes of damage which might affect meter operation or accuracy.

(2) No change.

~~Rulemaking Specific~~ Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.60, Amended _____.

25-7.061 Meter Testing Equipment.

(1) Each utility shall own and maintain or have access to all necessary meter testing equipment, ~~including at least one bell type meter prover of not less than five (5) cubic feet capacity or other meter testing device~~ approved by the

Commission's ~~Bureau of Division of Auditing and Safety~~. This equipment shall be maintained in correct adjustment so that it shall be capable of determining the accuracy of customer meters to within one-half of one percent (0.5%).

(2) The accuracy of all meter testing equipment will be established in accordance with procedures set forth in American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, incorporated by reference herein, and which may be obtained from the American Gas Association, 400 North Capitol Street, NW, Washington, DC 20001.

(3) All alterations, accidents, or repairs to meter proving equipment which might affect the accuracy of such equipment or the method of operation shall be promptly reported in writing to the ~~Commission's Bureau of Division of Auditing and Safety of the Commission.~~

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.61, Amended _____.

25-7.062 Meter ~~Testing Methods~~ Test Records.

(1) All meter tests shall be performed by competent, trained personnel using approved methods and equipment.

(2)(+) Diaphragm meters with a test dial of five (5) cubic feet or less. The accuracy of customer meters of this type shall be determined by passing air from ~~an accurate a standard bell type meter prover or a calibrated test meter~~ at a rate of flow designated herein when ~~the liquid in the prover tank~~, the test equipment, the atmosphere of the room and the meter to be tested are at practically the same temperature. The meter shall be tested at two rates of flow, viz: a check rate test which shall be at a rate of flow of approximately twenty percent (20%) of rated capacity, and also a one hundred percent (100%) of rated capacity or open run test. The average of the tests at the two rates of flow shall agree within one percent (1%) and the average error of the meter shall be considered to be the algebraic sum of twenty-five percent (25%) of the error indicated by open run test and seventy-five percent (75%) of the error indicated by the check rate test.

(3)(-) Other meters. Any utility furnishing large volume gas service through diaphragm type meters with a test dial of over five (5) cubic feet or other type meters such as turbine, rotary displacement, or orifice meters shall make provision for factory or other tests in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, 8-4-85, Formerly 25-7.62, Amended _____.

25-7.064 ~~Periodic~~ Meter Testing for Accuracy Tests.

(1)(a) Each gas utility may formulate a statistical sampling plan for the purpose of ~~periodically~~ testing for accuracy installed diaphragm type positive displacement gas service meters having a capacity rating of 250 cfh or less measured at the manufacturer's specification for one-half (1/2) inch pressure differential. Such sampling plan shall be subject to approval by the Commission's ~~Bureau Division of Auditing and Safety~~ prior to implementation.

(b) All meters installed of the above type and size not included in an approved Random Sampling Plan shall be periodically removed, inspected and tested for accuracy at least once every one hundred twenty (120) months.

(2) Meters having a capacity rating of 250 cfh through 2500 cfh measured at the manufacturer's specifications for one half (1/2) inch pressure differential shall be field tested or shop tested for accuracy in accordance with American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition at least once every one hundred twenty (120) months.

(3) Meters above 2500 cfh capacity rating measured at the manufacturer's specifications for one half (1/2) inch differential shall be field tested or shop tested for accuracy in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, at least every sixty (60) months.

(4) An instrument or auxiliary device used in conjunction with any gas meter to correct the metered volume for pressure or temperature shall be adjusted to an accuracy level to assure that the combined accuracy of the instrument or auxiliary device, or both, and the associated meter does not exceed one percent (1%) error fast or ~~one two percent (1%) (2%)~~ error slow. Each instrument and auxiliary device shall be checked at least the same test interval as prescribed for the associated meter to insure and verify the performance.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.64, Amended _____.

25-7.065 Meter Test by Request.

(1) Upon ~~written~~ request of a customer, the utility shall, without charge, make a test of the accuracy of the meter in use at his premises; provided, first, that the meter has not been tested by the utility or by the Commission within twelve months previous to such request.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray the cost of testing, such deposit shall not exceed the following for each test:

(a) through (b) No change.

(c) Meters with a capacity rating over 2500 cfh – \$129.00 dollars. If the meter is found to be more than two percent (2%) fast, the deposit shall be refunded, but if found to be less than or equal to two percent (2%) fast below this accuracy limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer’s choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American Gas Association Gas Measurement Manual, Meter Proving Part No. Twelve, 1978 edition. Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs to the utility associated with a meter test by an independent meter testing facility. The utility shall provide a detailed estimate of such costs and may require payment of such costs prior to the actual meter test. If the meter is found to be running fast in excess of the limits established by these rules, such costs shall be refunded, but if within the allowable limits, the utility may retain the costs.

(5) No change.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3), (4) FS. History–Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 10-11-83, 2-13-84, Formerly 25-7.65, Amended _____.

25-7.066 Meter Test – Refereed Disputes Referee.

(1) In the event of a dispute, upon request written application to the Commission by any customer, a test of the customer’s meter will be made by the utility as soon as practicable. Said test will be supervised and witnessed or supervised as soon as practicable by a representative of the Commission.

(2) through (3) No change.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained by the utility.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3), (5), 366.08 FS. History–Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-7.66, Amended _____.

25-7.070 Sealing Meters.

All meters tested for installation shall be sealed at the time of the test by the meter personnel meterman performing the test. The seal shall be of a type that will ensure detection of tampering. Those utilities using a compression type lead seal shall have as a sealing tool a device furnished with a die, which shall bear the initials of the utility. Utilities using a snap tin type seal shall have the seal stamped in a similar manner.

Rulemaking Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(3) FS. History–New 2-13-84, Formerly 25-7.70, Amended _____.

25-7.071 Measuring Customer Service.

(1) All gas sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter ~~loans~~, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on a rate or as provided in the utility’s filed tariff.

(2) through (3) No change.

Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.03, 366.05(1) FS. History–New 10-23-86, Amended _____.

25-7.084 Meter Readings.

(1) No change.

(2) When an electronic meter reading is used to determine volumes consumed, the customer’s bill may be rendered from data received electronically, ~~however, the mechanical counter of the metering device shall be read monthly~~. When available, both corrected and uncorrected total volumetric readings shall be recorded.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History–Repromulgated 1-8-75, Amended 5-4-75, Formerly 25-7.84, Amended 10-10-95, _____.

Posting of the American Gas Association Gas Measurement Manual, Meter Proving, Part No. Twelve, 1978 edition, on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and review at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2504 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 45, November 10, 2011

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-12.005	Codes and Standards Adopted
25-12.008	New, Reconstructed or Converted Facilities
25-12.027	Welder Qualification
25-12.052	Corrosion Control Criteria for Cathodic Protection of Buried or Submerged Metallic Pipeline
25-12.082	Construction Notice

PURPOSE AND EFFECT: To clarify the rules, to update them to reflect the most current applicable Code of Federal Regulations, and to remove obsolete and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-12.005 is amended to adopt the most current applicable Code of Federal Regulation sections for natural gas pipelines; Rule 25-12.008 is amended to delete obsolete requirements and reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.027 is amended to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.052 is amended to remove obsolete language and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.082 is amended to specify the time frame within which major pipeline construction or alteration notification must be given to the Commission.

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 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: based upon the information contained in the SERC.

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: 368.05(2), 350.127(2) FS.

LAW IMPLEMENTED: 368.03, 368.05(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. 191 and 192 ~~(2011) (2008) as amended in 74 Fed. Reg. 2889-01 (January 16, 2009)~~, are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 192 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 199 (2011) (2008), "Drug and Alcohol Testing," as amended in 74 Fed. Reg. 2889-01 (January 16, 2009), is adopted and incorporated by reference to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. 49 C.F.R. 199 (2011) may be accessed at [electronic hyperlink]. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Rulemaking Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History—New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01, 12-15-09, _____.

25-12.008 New, Reconstructed or Converted Facilities.

(1) No change.

(2) Before a piping system can be converted to a regulated gas, the operator must:

(a) ~~Have on file with the Commission~~ a general conversion procedure as a part of its operation and maintenance plan.

(b) through (d) No change.

(e) Establish the maximum allowable operating pressure no greater than the highest sustained operating pressure during the 5 years prior to conversion unless it was tested or uprated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 ~~(2011) (2008)~~.

(f) No change.

(g) Determine areas of active corrosion as required by 49 C.F.R. 192 ~~(2011) (2008)~~ and these rules. Required cathodic protection must be accomplished within 1 year after the date of conversion except that buried steel tubing must be protected prior to placing the system into operation.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 11-14-70, Revised 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.08, Amended 12-15-09, _____.

25-12.027 Welder Qualification.

(1) No welder shall make any pipeline weld unless the welder has qualified in accordance with Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005 including Errata/Addendum July 2007 and Errata 2 (2008), incorporated by reference herein, or Appendix C of 49 C.F.R. 192 (2011) (2008), within the preceding 15 months, but at least once each calendar year. A copy of API 1104 may be obtained from <http://www.api.org/Standards/>.

(2) No change.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05 FS. History—New 1-7-92, Amended 12-15-09, _____.

25-12.052 Corrosion Control Criteria for Cathodic Protection of Buried or Submerged Metallic Steel, Cast Iron, and Ductile Iron Pipeline.

(1) The only acceptable criteria for the determination of cathodic protection shall be I-A(1), ~~I-A(2)~~, I-A(3), and I-A(5) of Appendix D of 49 C.F.R. 192 (2011), ~~Part 192 of Title 49, CFR.~~

(2) No change.

~~(3) Application of Criterion I-A(2) shall be dependent upon the establishment of initial or unprotected pipe/soil potentials.~~

~~(3)(4)~~ Application of Criterion I-A(5) is restricted to bare and essentially bare ineffectively coated metallic gas pipelines installed prior to July 31, 1971.

(a) through (b) No change.

~~(e) The procedure qualification shall include a surface potential survey conducted longitudinally directly above the pipeline with maximum spacing of ten (10) feet utilizing two saturated copper-copper sulfate half-cells.~~

~~(c)(d)~~ All procedure qualification records shall be retained as long as the qualified procedure is used.

~~(d)(e)~~ If application of the qualified procedure fails to provide the required protective net current flow from the surrounding electrolyte into the pipeline surface for a segment of the pipeline, the procedure shall be modified accordingly and requalified for use in similar conditions.

~~(e)(f)~~ The placement of the electrodes for resurvey monitoring of the application of I-A(5) shall utilize the same electrode locations as the initial survey when practical.

~~(f)(g)~~ Each pipeline that is under cathodic protection utilizing Criterion I-A(5) shall be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of these rules.

~~(4)(5)~~ If gas leakage results from active corrosion of a pipeline, remedial action shall include application of cathodic protection to meet one of the criteria of this rule, as described in subsection (1), unless the pipeline is replaced with

non-metallic pipe. Cathodic protection for these remedial applications must be tested at least once every calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of this rule.

~~(5)(6)~~ Each operator must take remedial action within three (3) months to correct or make substantial progress toward correction of any deficiencies indicated by monitoring.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 10-7-75, Amended 10-2-84, Formerly 25-12.52, Amended 1-7-92, _____.

25-12.082 Construction Notice.

Written Notice shall be given to the Commission at least 15 days prior to start of all major construction or alteration of pipeline facilities, stating the size, approximate location and contemplated time of construction. Notice is required when the pipeline involved is both at least 2 inches in diameter as well as 2,000 feet or more in length.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.82, Amended _____.

Posting of Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005, including Errata/Addendum July 2007 and Errata 2 (2008), on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 45, November 10, 2011

COMMISSION ON ETHICS

<p>RULE NOS.:</p> <p>34-8.002</p> <p>34-8.008</p> <p>34-8.009</p>	<p>RULE TITLES:</p> <p>General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests</p> <p>Final Filing Using the CE Form 6F</p> <p>Amended Filing Using the CE Form 6X</p>
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- 34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests
- 34-8.208 Final Filing Using the CE Form 1F
- 34-8.209 Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: The purpose of the proposed amendments is to make revisions to financial disclosure forms that are adopted by reference in the various rules of Chapter 34-8, Florida Administrative Code. The filing year on all of the forms will be changed to “2012” (filers will complete and file these forms in 2013 for the calendar year ending December 31, 2012), and filing instructions and examples are being revised for greater clarity. Additionally, where there were statutory changes to those who are required to file, those changes are reflected in the forms.

SUMMARY: CE Form 6 (Full and Public Disclosure of Financial Interests), CE Form 6F (Final Full and Public Disclosure of Financial Interests), CE Form 6X (Amendment to Full and Public Disclosure of Financial Interests), CE Form 1 (Statement of Financial Interests), CE Form 1F (Final Statement of Financial Interests), and CE Form 1X (Amendment to Form 1 Statement of Financial Interests), are affected by this rulemaking.

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: Approximately 40,000 persons are required by law to file either the CE Form 1 or the CE Form 6 each year, depending on their position. However, other the amount of time they expend to complete the form, any economic impact on filers is nominal. The Commission absorbs the costs of printing and distributing its forms in its annual budget.

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: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(7), 112.3145, 112.3145(9), 112.3147, 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(6), 112.3144(7), 112.3145, 112.3145(2)(b), 112.3145(9) FS.

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

DATE AND TIME: September 7, 2012, 8:30 a.m.

PLACE: Senate Office Building, Room 37S, 404 South Monroe Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Millie Fulford at (850)488-7864 or fulford.millie@leg.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Assistant General Counsel, (850)488-7864 or costas.julie@leg.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person’s most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The CE Form 6 (1/2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003 or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9), FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144, FS. History–New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-07-01, 1-19-11, 1-1-12, _____.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F – Final Full and Public Disclosure of Financial Interests. The CE Form 6F (1/2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) F.S. Law Implemented 112.3144(5), 112.3144(6) F.S. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

34-8.009 Amended Filing Using the CE Form 6X.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The CE Form 6X (1/2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3144(6), 112.3144(7), 112.3147, 112.322(9) FS. Law Implemented 112.3144(7) FS. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency’s headquarters. The CE Form 1 (1/2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida

Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS. History--New 11-07-01, Amended 1-19-11,1-1-12,_____.

34-8.208 Final Filing using the CE Form 1F.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial Interests. The CE Form 1F (2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145(2)(b) FS. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X – Amendment to Form 1 Statement of Financial Interests. The CE Form 1X (1/2013) (~~1/2012~~) is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2013.

Rulemaking Authority 112.3145(9), 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History--New 11-07-01, Amended 1-19-11, 1-1-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Assistant General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Virlindia Doss, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.603 RULE TITLE: Permit Application Procedures
 PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to clarify that notices of agency action will be issued only to applicants and persons who have filed requests for notification in writing or via electronic mail.
 SUMMARY: Modification of Procedural Rules of the District.
 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:

There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification or submittal of a SERC.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.60(4), 373.116, 373.118, 373.229, 373.413 FS.

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

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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sonya White, Office of General Counsel, 7601 Highway 301 North, Tampa, FL; 33637-6759, (813)985-7481, ext. (4660) (OGC #2012009)

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-1.603 Permit Application Procedures.
- (1) through (5) No change.
- (6) Publication or posting of the notice of application pursuant to subsection (2) shall constitute constructive notice of the permit application to all substantially affected persons. Notices of agency action will be issued only to applicants and persons who have filed ~~such~~ requests for notification in writing or by electronic mail that specifically reference the relevant permit application number.
- (7) through (14) No change.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60(4), 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, 12-24-07, 4-7-08, 11-2-08, 9-1-09_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Senior Attorney, Office of General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District, Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.: 61-42.001, 61-42.002, 61-42.003, 61-42.004
 RULE TITLES: Definitions, Investigations and Legal Services, Unsanctioned Amateur Events, Procedure for Mediation

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to articulate and detail the legal and investigative services provided to the Florida State Boxing Commission by the Department.

SUMMARY: The subject area to be addressed in these rules is the legal and investigative services provided to the Florida State Boxing Commission by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 548.003(8) FS.

LAW IMPLEMENTED: 548.003(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathleen Brown-Blake, Rules Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULES IS:

61-42.001 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) "Commission" means the Florida State Boxing Commission.

(2) "Disputant" means the complainant or the licensee.

(3) "Executive Director" means the executive director of the Florida State Boxing Commission.

(4) "Mediation" means a process whereby a third person acts to encourage and facilitate the resolution of a dispute between a complainant and licensee without prescribing what the resolution should be. The resolution is an informal and nonadversarial process with the objective of helping the disputants reach a mutually acceptable agreement.

(5) "Mediator" means the employee or agent of the department assigned to conduct the mediation (defined in subsection (4)) according to the procedures set forth in this rule. No person shall both conduct mediation and investigate the same complaint.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History--New _____.

61-42.002 Investigations and Legal Services.

(1)(a)The department shall investigate, on behalf of the commission, any complaint that is filed with the department in writing, signed by the complainant, legally sufficient, and under the jurisdiction of the State of Florida. A complaint is legally sufficient if it contains facts that show a violation of this chapter, of any of the practice acts relating to the professions regulated by the commission, or of any rule adopted by the commission. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate and take appropriate final action on a complaint even though the original complaint is withdrawn or the complainant indicates a desire not to cause the complaint to be investigated or prosecuted to completion.

(b) The department may investigate an anonymous complaint if the complaint is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true.

(c) The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true.

(d) The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute or a rule of a commission.

(e)When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the department. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public health, safety, and welfare. However, if the secretary, or the secretary's designee, and the chair of the commission agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(f) When an investigation of an amateur sanctioning organization is undertaken, if possible, investigators shall conduct a compliance check on any matches held by the amateur sanctioning organization to ensure compliance with Chapter 548, F.S., and the rules adopted by the commission.

(g) For the purposes of investigation, any individuals designated by the executive director and department to conduct investigations shall be admitted to each event or match and

provided reasonable access to all areas, including but not limited to dressing rooms or locker rooms by the amateur sanctioning organization.

(2) The department shall designate sufficient and adequately trained staff or other qualified persons to investigate all legally sufficient complaints. The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency.

(3) For the purposes of this rule, the Department may use any of the individuals designated to conduct compliance checks, as forth in Rule 61K1-4.001, F.A.C., to conduct or assist in investigations. Those individuals are:

(a) Referees currently or formerly licensed under Chapter 548, F.S.;

(b) Judges currently or formerly licensed under Chapter 548, F.S.;

(c) Inspectors, including Chief Inspectors;

(d) Ringside physicians currently or formerly licensed under Chapter 548, F.S.;

(e) Commission staff;

(g) The executive director;

(h) Commissioners.

(4) When its investigation is complete and deemed legally sufficient, the department shall prepare and submit to the Office of the General Counsel the investigative report. The report shall contain the investigative findings and the recommendations concerning the existence of probable cause of any violation of Chapter 548, F.S., or of any rule adopted by the commission. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein.

(5) As an alternative to the provisions of subsections (1), (2), and (3), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation, as listed in Rules 61K1-3.024 and 61K1-4.013, F.A.C. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(6) The determination of whether probable cause exists shall be made by the Office of the General Counsel within the Department. The Office of the General Counsel may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; and all costs thereof shall be paid from the Professional Regulation Trust Fund.

(7) When probable cause of a violation of Chapter 548, F.S., or the rules of the commission has been found by the Office of the General Counsel, the Office of the General Counsel shall serve notice of the alleged violation(s) in an Administrative Complaint in accordance with Section 120.60(5), F.S. If the Subject of a complaint disagrees with the allegations set forth in the Administrative Complaint, a formal

hearing before an administrative law judge may be requested from the Division of Administrative Hearings, pursuant to a petition or request for hearing, as set forth in Section 120.569, F.S., and the rules adopted thereto. Hearings shall be held pursuant to Chapter 120, F.S., and the rules adopted thereto.

(8) The commission shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the commission.

(9) The department shall have standing to seek judicial review of any final order of the commission, pursuant to Section 120.68, F.S.

(10) The department shall periodically notify the complainant of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(11) Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(12) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the Florida State Boxing Commission Trust Fund for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History—New _____.

61-42.003 Unsanctioned Amateur Events.

(1) When the department has probable cause to believe that any person or entity not licensed by the commission intends to sanction or supervise an amateur match or event in the state, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person or entity who aids and abets the unlicensed sanctioning or supervising of an amateur match or event in this state by employing such unlicensed person or entity. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under Sections 120.569 and 120.57, F.S., may be sought. For the purpose of enforcing a cease and desist notice, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any provisions of such notice. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the

provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the notice for a penalty pursuant to Section 120.569, F.S., it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court in which the department's main office is located for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense.

(3)(a) The department may issue citations to the subject for intending to sanction or supervise amateur matches or events without being licensed to do so. The citations shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure in Rule 61-41.002, F.A.C. If the subject disputes the matter in the citation, the procedures set forth in Rule 61-41.002, F.A.C., must be followed. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) Citations imposing a designated fine may be issued under the following conditions:

1. The subject has received a previous Notice to Cease and Desist for the unlicensed activity;
2. The subject has not received a prior citation, or final order, for the unlicensed activity;
3. There is no evidence of consumer harm; and
4. The subject has not previously held a license as an amateur sanctioning organization.

(c) Citations for the unlicensed practice of a sanctioning or supervising an amateur match governed by Chapter 548, F.S., shall be either personally-served or served by certified mail, restricted delivery.

(d) If the subject does not dispute the citation within 30 days after the citation is served, the citation will become a final order of the Department.

(e) Payment of an undisputed citation is due within 30 days after the citation has become a final order.

(f) Citations which have become final orders will be used in any subsequent proceedings as evidence of a prior violation of that statute or rule.

(g) The Department shall open a complaint against any individual or organization issued a citation for intending to sanction or supervise an amateur match without being licensed to do so, who does not immediately cease the activity, or who has sanctioned or supervised an amateur match without being

licensed to do so. Furthermore, the Department shall forward notice of criminal violations to the proper prosecuting authority in accordance with Section 548.008, F.S.

(h) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(i) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the Florida State Boxing Commission Trust Fund for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History—New _____.

61-42.004 Procedure for Mediation.

(1) The department may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the mediator may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of Rule 61-42.002, F.A.C.

(3) No licensee shall be permitted to engage in the mediation process more than three times without approval from the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered final agency action for purposes of Chapter 120, F.S.

(4) A department complaint analyst or investigator shall determine the suitability of a complaint for mediation, employing the criteria set forth in Section 455.2235, F.S., Chapter 548, F.S., and the rules adopted by the commission.

(5) Mediation shall be conducted in person or via electronic media or telecommunications, or any combination of the two, as warranted by relevant circumstances of the mediation.

(6) The mediator shall meet with the complainant and licensee together or separately, as warranted by the circumstances of the mediation.

(7) The mediator shall provide a written report to the department of the mediation results within 10 days of the conclusion of the mediation. If the complaint is resolved in mediation, the department shall close the complaint.

(8) If mediation is rejected by either the complainant or licensee, or should the parties fail to reach agreement, the department shall proceed on the complaint in the manner required by Chapter 120, F.S. and Rule 61-42.002, F.A.C.

(9) To determine whether the department will approve a licensee's participation in the mediation process more than three times, the department shall consider factors including the subject, date, disposition, and number of complaints against the licensee, and the licensee's history of compliance with board or department orders.

Rulemaking Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathleen Brown-Blake, Rules Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-50.1265
RULE TITLE: Non-Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapters 718 and 720, Florida Statutes.

SUMMARY: The proposed rule articulates the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718 and 720, Florida Statutes

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 718.1255(4) FS.

LAW IMPLEMENTED: 718.1255(3)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-50.1265 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(3)(c) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.: RULE TITLE:
61B-80.1165 Non-Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718 and 720, Florida Statutes.

SUMMARY: The proposed rule articulates the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718 and 720, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 718.1255(4) FS.

LAW IMPLEMENTED: 718.1255(3)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-80.1165 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(3)(c) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-54.002 Request for Inactive or Retired Status License

PURPOSE AND EFFECT: To add language defining how applications will demonstrate competency to reactivate.

SUMMARY: This proposed rule change clarifies the means by which an active status licensee may request inactive or retired status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely

increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendment will not require ratification by the Legislature. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.036(15), 478.43(1), (4), 478.50 FS.

LAW IMPLEMENTED: 456.036(2), (4)(b), (12), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.002 Request for Inactive or Retired Status License Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal.

~~(1) Ninety (90) days prior to the end of the biennium, the Department shall mail a notice of renewal to the last known address of the inactive or delinquent license holder contained in the official records of the Department.~~

~~(2) Any person holding an inactive license eligible for reactivation may return his license to active status upon submission of a complete application as set out below, to the Department, payment of the fees indicated in Section 456.036, F.S., in the amounts indicated in Rule 64B8-54.004, F.A.C., and compliance with paragraphs (a) and (b), below:~~

~~(a) If the license has been inactive for less than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 30 hours of the continuing education requirements pursuant to Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.; or~~

~~(b) If the license has been inactive for more than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 10 hours of continuing education for each year the license has been inactive and the 20 hours of continuing education for the last active biennium. All continuing education must comply with the requirements of Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.~~

~~(3) If the person holds a Florida retired license eligible for reactivation, he or she may return that license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of subsection 456.036(12), F.S.~~

~~(1)(4)~~ Any person holding an active license may change the license to inactive status upon submission of a letter to the Electrolysis Council, stating the licensee's intention to change the license to inactive status. If the change is made at the time of license renewal, the licensee must pay the inactive status renewal fee, the delinquency fee if applicable, and the fee to change licensure status, in the amounts indicated in Rule 64B8-54.004, F.A.C. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

~~(2)(5)~~ A licensee with an active or inactive license wishing to change to retired licensure status during the renewal period must pay the retired license fee. If changing to retired licensure status outside the renewal period, the change of status fee shall also be paid.

~~(6) Failure to renew a delinquent license to either active, inactive or retired status by the expiration date of the current renewal period shall render the license null and void without further action of the Council or Department.~~

Rulemaking Specific Authority 456.036(15), 478.43(1), (4), 478.50 FS. Law Implemented 456.036(2), (4)(b), (12), 478.50 FS. History--New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98, 9-26-01, 4-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.002
RULE TITLE: Citations

PURPOSE AND EFFECT: To streamline the time for payment of fines and completion of education for improved tracking of compliance and to reconcile citation grounds with language of rules pertaining to practice standards.

SUMMARY: The changes update and clarify the language of specific citation violations and update references to specific rules and statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendment will not require ratification by the Legislature. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.077(1), (2) FS.
 LAW IMPLEMENTED: 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.002 Citations.

(1) through (2) No change.

(3) All citations include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, unless otherwise specified in this rule and impose whatever obligations necessary to remedy the offense.

(4) The Board designates the following as citation violations:

(a) through (g) No change.	
(h) <u>The presence of</u> animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired, <u>as provided by Section 413.08, F.S.</u>	(h) First time violation a \$150.00 fine, second time violation a \$300.00 fine.
(64B8-51.006(3)(e)(4), F.A.C.)	
(i) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation):	(i) First time violation a \$150.00 fine, second time violation a \$300.00 fine.

1. An FDA registered needle type epilation device in working order. (64B8-51.006(3)(1)(e)1., F.A.C.)	
2. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers). (64B8-51.006(3)(1)(e)2., F.A.C.)	
3. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items. (64B8-51.006(3)(1)(e)6., F.A.C.)	
4. A sharps container <u>as defined in Chapter 64E-16, F.A.C.</u> for disposal of used needles. (64B8-51.006(3)(1)(e)8., F.A.C.)	
5. A sterilizer which shall be either <u>An</u> autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer. (64B8-51.006(3)(1)18.(e)17., F.A.C.)	
6. Monthly records of <u>spore destruction tests sterilizer biological test monitoring which shall be made available to the Department upon request.</u> (64B8-51.006(3)(1)19.(e)18., F.A.C.)	
7. A <u>holding</u> container for soaking and cleaning contaminated instruments. (64B8-51.006(3)(1)20.(e)19., F.A.C.)	
(j) Failure to maintain an appointment record which lists the name of each person who has received electrolysis treatment <u>book.</u> (64B8-51.006(3)(g)(f), F.A.C.)	(j) First time violation a \$150.00 fine, second time violation a \$300.00 fine.
(k) No change.	
(l) Failure to have any one of the following items/equipment (the failure to have any one of the items/equipment shall constitute a separate violation):	(l) First time violation a \$50.00 fine, second time violation a \$100.00 fine, third time violation \$200.00 fine
1. Needle holder tips. (64B8-51.006(3)(f)(e)3., F.A.C.)	
2. A treatment table or chair with a nonporous surface capable of being disinfected. (64B8-51.006(3)(f)(e)4., F.A.C.)	
3. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment. (64B8-51.006(3)(f)(e)5., F.A.C.)	
4. Single use disposable towels. (64B8-51.006(3)(f)(e)7., F.A.C.)	
5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant. (64B8-51.006(3)(f)(e)9., F.A.C.)	
6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected. (64B8-51.006(3)(f)(e)10., F.A.C.)	

7. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths presaturated with disinfectant for wiping nonporous surfaces. (64B8-51.006(3)(l)(e)11., F.A.C.)	
8. If eye shields are used, eye shields capable of being cleaned with disinfectant. (64B8-51.006(3)(l)(e)12., F.A.C.)	
9. Covered containers for <u>sterile</u> needles and forceps which containers are capable of being cleaned and sterilized. (64B8-51.006(3)(l)(e)13., F.A.C.)	
10. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol. (64B8-51.006(3)(l)(e)14., F.A.C.)	
11. Clean, non-sterile materials such as Cotton balls, cotton strips, cotton swabs, gauze pads, or and gauze strips. (64B8-51.006(3)(l)(e)15., F.A.C.)	
12. If cloth towels are used, l laundered and sanitized cloth towels stored in a closed, <u>sanitized</u> container or (64B8-51.006(3)(l)(e)16., F.A.C.)	
13. If cloth towels are used, a covered sanitary container for holding used cloth towels. (64B8-51.006(3)(l 17)(e)16., F.A.C.)	
14. Non-sterile disposable examination gloves. (64B8-51.006(3)(l 21)(e)20., F.A.C.)	
15. An FDA registered needle-type epilation devise in working order. (64B8-51.006(3)(l 1., F.A.C.) (m) Failure to comply with continuing education requirements. (64B8-52.002, F.A.C.)	(m) First time violation \$500 fine; and completion of all incomplete continuing education credits, <u>all to be submitted within six (6) months of the citation.</u>
(n) through (s) No change.	
(t) Failure to comply with Section 381.0098, F.S. and Chapter 64E-16, F.A.C., pertaining to biomedical waste.	(t) For first time violation, a \$250 fine

(5) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:

(a) Written designation of laser safety officer. (64B8-51.006(3)(h)5.(g)4., F.A.C.)	First time violation \$150, Subsequent violations \$300
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(b) Appropriate sign on door of laser room as required by ANSI Standard Z136.1-2000, in effect on June 1, 2006, available from American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, N.Y. 10036. (64B8-51.006(3)(h)6.(g)5., F.A.C.)	First time violation \$150, Subsequent violations \$300.
(c) No change.	
(d) Lock on door of laser room. (64B8-51.006(3)(h)7.(g)6., F.A.C.)	First time violation \$150, Subsequent violation \$300.
(e) Fire extinguisher in vicinity of laser room. (64B8-51.006(3)(h)9.(g)8., F.A.C.)	First time violation \$150, Subsequent violation \$300.
(f) through (h) No change.	
(i) Proof of registration for each At least one piece of properly registered laser device equipment located within the electrology facility, as required by Section 501.122, F.S. (64B8-51.006 (3)(h)4.(g)3., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(j) Protective eyewear for all persons in laser room during operation of laser. (64B8-51.006(3)(h)8.(g)7., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(k) Proof of completion of 30 hours of post-licensure education in laser hair removal for all electrologists using laser equipment in the facility. (64B8-52.004 and 64B8-51.006 (3)(h)2., F.A.C.)	First time violation \$500, Subsequent violation \$1,000.
(l) Proof of certification as Certified Medical Electrologist for all persons who use laser equipment in the facility, who are not exempt and are licensed electrologists. (64B8-56.002(2)(b) and 64B8-51.006(3)(h)3., F.A.C.)	First time violation \$500, Subsequent violation \$1,000.

(6) through (7) No change.

Rulemaking Specific Authority 456.077(1), (2) FS. Law Implemented 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS. History–New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98, 2-11-01, 2-20-02, 11-12-02, 7-16-03, 2-12-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-14.001
 RULE TITLE: Establishment Orders

PURPOSE AND EFFECT: The purpose of the proposed amendment is to clarify that an establishment order or subsequent executive order may include special regulations that apply to established Commission managed lands. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed amendment clarifies that special regulations may be created on established Commission managed lands by establishment order or subsequent executive order. This would allow the agency to respond quickly to allow such activities as short-term hunting or fishing opportunities.

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 nature of the rule and the preliminary analysis was conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission's regular meeting September 6-7, 2012, 8:30 a.m. – 5:00 p.m., each day
PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida 33607

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 ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-14.001 Establishment Orders.

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) No change.

(2) An establishment order or subsequent executive order may create special regulations for an area established pursuant to this section, notwithstanding regulations for the wildlife management area, wildlife and environmental area, fish management area, public small game hunting area or miscellaneous area within which it occurs. Such regulations shall be noticed by posting on the area and by electronic media.

~~(3)~~(2) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a Commission managed shooting range or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

~~(4)~~(3) Public small-game hunting areas may be established within wildlife management areas, wildlife and environmental areas, fish management areas, and public use areas pursuant to Rule 68A-13.007, F.A.C. Regulations for each public small-game hunting area so established shall supersede regulations for the wildlife management area, wildlife and environmental area, fish management area or miscellaneous public use area within which it occurs.

~~(5)~~(4) No critical wildlife area shall be established without the prior concurrence in such designation by the owner of the property wherein the area will be situated.

~~(6)~~(5) A critical wildlife area may be established by order of the Executive Director, with prior concurrence of the Chairman of the Commission, when there is an imperative need that an important aggregation of fish or wildlife be protected as quickly as possible. Critical wildlife areas shall be established in this manner for a specified period of time that shall not exceed 180 days unless extended by approval of the Commission at a regularly scheduled public meeting.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 7-1-12,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.062
RULE TITLE: Specific Regulations for Wildlife Management Areas – North Central Region

PURPOSE AND EFFECT: The purpose of the proposed amendment would revise specific area regulations on Big Bend Wildlife Management Area (WMA) – Spring Creek Unit to prohibit the take of wild hogs with dogs. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources and public recreation on Commission managed land.

SUMMARY: The proposed rule amendment would prohibit the take of wild hog by the use of dogs on Big Bend WMA – Spring Creek Unit. This would address complaints regarding hog dog trespass onto private lands.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting September 6-7, 2012, 8:30 a.m. – 5:00 p.m., each day
PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida 33607

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 ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

- (1) through (6) No change.
- (7) Big Bend Wildlife Management Area – Spring Creek Unit.
 - (a) through (c) No change.
 - (d) General regulations:
 - 1. through 7. No change.
 - 8. Taking wild hog by the use of dogs is prohibited.
 - (8) through (41) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 7-1-12_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-18.003
 RULE TITLE: Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops

PURPOSE AND EFFECT: The purpose of this rule amendment is to extend the bay scallop recreational harvest season by two weeks. This proposed rule was requested by counties and the public in the region. The bay scallop season has been extended the past two years and the population continues to remain stable. The effect of this rule would extend the season for two weeks which would benefit local businesses by bringing people in during a time when other fisheries are closed and visitors typically decrease.

SUMMARY: Rule 68B-18.003 would be amended by changing the date of the season closure to allow an additional two weeks at the end of the season. The season would change from July 1 through September 10 to July 1 through September 24.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission’s regular meeting September 5-6, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Hotel (Meeting and Rooms), 4500 West Cypress Street, Tampa, Florida 33607

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 ADA Coordinator, at (850)488-6411. 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: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-18.003 Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops.

(1) Bay scallops shall only be harvested during the open season, which is from July 1 through September ~~24~~ ²⁴ of each year.

(2) No person shall harvest in or from the waters of the state, land, or possess while in or on the waters of the state any bay scallop during the period beginning on September ~~25~~ ²⁵ of each year and continuing through June 30 of the following year.

(3) through (4) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-13-85, Amended 6-15-94, 3-1-95, 7-15-96, 7-1-97, Formerly 46-18.003, Amended 6-2-02,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Aquatic Plants

RULE NOS.:	RULE TITLES:
68F-54.001	Program Criteria and Standards
68F-54.003	Definitions
68F-54.0035	Waters Eligible and Eligibility Criteria for Aquatic Plant Management Funds
68F-54.005	Approval, Allocation, and Disbursement Procedures for Aquatic Plant Management Funds

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to clarify that the program does not operate as a grants program but rather operates as a cost reimbursement program utilizing government agencies and private sector contractors to manage aquatic plants in public water bodies. Further, additional waters are being added to the list of waters eligible for funding of aquatic plant management.

SUMMARY: References to grant(s), grantee, and other terms related to grants, are changed to contract(s), contractor(s), and other contract related terms. Clarifies that when the U.S. Environmental Protection Agency approves the use of an aquatic herbicide in potable waters and requires no water use restrictions after its application to potable waters, the product may be used without complying with the setback distances or the water treatment plant notification procedures stated in this rule. Definitions no longer used in the rule are eliminated and

definitions are added for terms that are new to the rule. Forms that are no longer used are eliminated. Commission managed lands and state-owned springs or spring runs are added to the list of waters that are eligible for funds to manage aquatic plants.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 369.20, 369.22, 379.1025 FS. LAW IMPLEMENTED: 369.20, 369.22, 403.088, 120.60 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Caton, Section Leader Invasive Plant Management Section, 3900 Commonwealth Blvd. MS 705, Tallahassee, FL 32399-3000

THE FULL TEXT OF THE PROPOSED RULE IS:

68F-54.001 Program Criteria and Standards.

(1) ~~The State of Florida Legislature, and the United States Army Corps of Engineers provides~~ provide funds to the Commission annually through the Invasive Aquatic Plant Control Management Trust Fund to ~~water management districts and local governments to implement maintenance programs~~ for the management of aquatic plants. ~~After federal and state appropriation, the Corps and the Florida Legislature provide funds to the commission annually for this purpose.~~

(2) Funds are allocated by the Ceommission to government agency and private sector contractors grant applicants, after evaluation of workplans workplan and associated budgets budget requests submitted for eligible waters, in accordance with eligibility standards and priorities established in this chapter. The Ceommission then monitors and assists contractors grantees to ensure the appropriate management of aquatic plants and funds.

(3) No change.

(4) Applying the maintenance program management policy to noxious aquatic plants shall include the following actions:

(a) through (d) No change.

(e) Coordinating with and seeking comments from stakeholders including other agencies and local governments.

(f) ~~In cooperation with the Corps, water management districts and local governments, The Commission is authorized to contract with government agencies and private sector organizations for the management of aquatic plants in waters of the state.~~

(g) The Commission is authorized to reimburse any government agency or private sector company with which it has entered into a contractual agreement to disburse funds to any water management district or local government charged with the responsibility of manage managing aquatic plants, subject to the eligibility requirements of this chapter.

(h) The Commission is responsible for determining that funds are spent in accordance with ~~the annual workplans workplan, task assignments and contracts grant agreement, Chapter 16A-11, F.A.C. (Grant and Contract Accountability Policy which is available from the section), and O.M.B. Circular A-87 effective date 28 January 1981 (Federal Office of Management and Budget Cost Principles Manual for State and Local Governments, which is hereby incorporated by reference and is available from the section). The commission shall follow the criteria in this chapter for the disbursement of funds.~~

(i) The Commission shall reimburse contractors disburse funds to the program grantees based on the available funds, program eligibility, program priorities, and the method of reimbursement allocation as defined in this chapter. To compensate for limitations in the planning cycle prior to the end of the fiscal year, the Commission is authorized to review allocations to contractors contract grantees to determine if additional funds are needed or if excess funds are available for reallocation to management programs efforts in need of additional funds.

(5) Herbicide Management Standards:

(a) No change.

(b) Herbicides with label labels restrictions for potable water use which do not indicate a potable water intake setback distance must not be used to manage floating plants within 0.5 miles of a functioning potable water intake permitted by the Department of Environmental Protection in a lake or within 2.0 miles upstream or 0.5 miles downstream of a functioning potable water intake permitted by the Department of Environmental Protection in a river system. There are no setback requirements when using herbicides that do not have restrictions on the label for potable water use.

(c) When used to manage aquatic vegetation other than floating plants, herbicides with label restrictions for potable water use which do not indicate without a potable water

setback distance must not be used within 2.0 miles of a functioning potable water intake permitted by the Department of Environmental Protection in a lake or within 2.0 miles upstream or 0.5 miles downstream of a functioning potable water intake permitted by the Department of Environmental Protection in a river system. There are no setback requirements when using herbicides that do not have restrictions on the label for potable water use.

(d) When management activities, using a herbicide with label restrictions for potable water use which does not have without a potable water setback distance, are to take place within 2.0 miles of a functioning potable water intake permitted by the Department of Environmental Protection in a lake, or within 2.0 miles upstream or 0.5 miles downstream of a functioning potable water intake permitted by the Department of Environmental Protection in a river system, written notice by certified mail must be given to the operator of the water treatment plant and to the section at least one week prior to the treatment activity, unless an alternative notification system has been previously approved by the Commission. There are no requirements to notify water treatment plant operators or the section when using herbicides that do not have restrictions on the label for potable water use.

(e) When more than one herbicide is registered for use in an aquatic site, the Commission shall require the use of the herbicide which it determines has the least adverse effect upon human health, safety, recreational uses, non-target plants, fish, and wildlife. In determining which herbicide shall be used, the following criteria shall be considered:

1. through 3. No change.

(f) through (g) No change.

(h) Management activities using herbicides shall not be permitted in manatee aggregation sites when manatees are present except when automatic herbicide spreaders operating on timing devices have been authorized in the workplan by a permit.

(i) When manatees are sighted in a control area, all herbicide control operations must cease immediately, (except when automatic herbicide spreaders operating on timing devices have been authorized in the workplan by a permit), and shall not be resumed until all manatees have left the control area of their own volition. No manatee may be herded or harassed into leaving the control area.

(j) No change.

(6) Mechanical and Physical Management Standards:

(a) Mechanical aquatic plant management operations shall be conducted in a manner which will not cause further significant spread of noxious aquatic plant species. All cut or harvested aquatic vegetation shall be deposited as prescribed in the workplan permit. No substrate is authorized to be recontoured or removed under an aquatic plant management workplan permit.

(b) No change.

(7) Biological Management Standards:

(a) The use of fish as biological management for aquatic plants requires authorization ~~a permit~~ from the Commission which has statutory authority for the regulation of the use of fish.

(b) No change.

Rulemaking Specific Authority ~~370.021(1)~~, 369.20, 369.22 FS. Law Implemented 403.088, 369.20, 369.22 FS. History—New 1-7-87, Amended 5-30-93, Formerly 16C-54.001, 62C-54.001, Amended _____.

68F-54.003 Definitions.

(1) ~~“Amendment” means a formalized modification of an existing grant agreement.~~

(2) ~~“Applicant” means any water management district or local government charged with the responsibility of managing aquatic plants which has requested financial assistance for such management from the commission.~~

(1)(3) ~~“Aquatic plant” means any plant, including a floating, emersed, submersed or ditchbank species, growing in or closely associated with an aquatic environment, and includes any part or seed of such plant. This includes those species listed in Section 369.251, F.S.~~

(2)(4) ~~“Budget” means the detailed anticipated expenditures including anticipated federal, state or local funds which are within the categories designated eligible by this chapter for the fiscal year for which funding is being allocated requested.~~

(3) ~~“Commission” means the Florida Fish and Wildlife Conservation Commission.~~

(5) ~~“Section” means the Invasive Plant Management Section, an administrative subdivision of the Florida Fish and Wildlife Conservation Commission located at 3900 Commonwealth Blvd., MS 705, Tallahassee, FL 32399-3000, Telephone (850)245-2809.~~

(4)(6) No change.

(5) ~~“Contract” means a written agreement which outlines the obligations of the Commission and the contractor and constitutes an aquatic plant control permit under subsection 68F-20.002(8), F.A.C.~~

(6) ~~“Contractor” means any government agency or private sector company with which the Commission has entered into a contractual agreement to reimburse eligible costs associated with managing aquatic plants.~~

(7) through (8) No change.

(9) ~~“Commission” means the Florida Fish and Wildlife Conservation Commission.~~

(9)(10) No change.

(11) ~~“District” means any one of the five water management districts listed in Section 373.069, F.S.~~

(10)(12) ~~“Eligible costs” means costs identified by the contract O.M.B. Circular A-87, Chapter 16A-11, F.A.C., or the grant agreement as being reimbursable.~~

(11)(13) ~~“Federal funds” means those aquatic plant management funds provided by the Corps.~~

(12)(14) ~~“Fiscal year” means the state federal fiscal year, July October 1 through June September 30.~~

(15) ~~“Flood control waters” means any permanent waterbody which is primarily used to manage the flow of water to protect human health and safety, and prevent injury to plant life, animal life, and property.~~

(16) ~~“Grant agreement” means a written agreement which outlines the obligations of the commission and the grantee.~~

(17) ~~“Grantee” means any applicant which has been approved for aquatic plant management funding.~~

(18) through (19) renumbered (13) through (14) No change.

(15)(20) ~~“Maintenance program” means a method for the management of aquatic plants in which techniques are used in a coordinated manner, on a continuous or periodic basis, in order to maintain the target plant population at the lowest feasible level funding and technology will permit as determined by the Commission.~~

(16)(21) ~~“Manatee aggregation site” means a specific area within a waterbody or canal system where manatees periodically congregate, as identified by the section in consultation with the U.S. Fish and Wildlife Service and the Commission’s Imperiled Species Management Section.~~

(22) ~~“Native aquatic plant” means any aquatic plant that is indigenous to the State of Florida, as determined by the commission. In making this determination, the commission shall consider data contained in generally accepted scientific literature.~~

(17)(23) No change.

(24) ~~“Recreational waters” means waters accessible to the general public, used primarily for recreational purposes, and which are aquatic sites in sovereignty lands.~~

(18) ~~“Section” means the Invasive Plant Management Section, an administrative subdivision of the Florida Fish and Wildlife Conservation Commission.~~

(19)(25) No change.

(20)(26) No change.

(21) ~~“Task assignment” means an executed agreement between the Commission and the contractor that authorizes all of the workplans and an approved budget for the contractor’s area of operations for a given fiscal year.~~

(22)(27) No change.

(23)(28) ~~“Workplan” means an outline of the anticipated the commission approved detailed outline of the aquatic plant management operations to be conducted on a given waterbody and an approved budget for a given fiscal year.~~

Rulemaking Specific Authority ~~370.021(1)~~, 369.20, 369.22 FS. Law Implemented 369.20, ~~369.251~~, 369.22 FS. History—New 1-7-87, Amended 5-30-93, Formerly 16C-54.003, 62C-54.003, Amended _____.

68F-54.0035 Waters Eligible and Eligibility Criteria for Aquatic Plant Management Funds.

(1) The ~~C~~ommission is authorized to enter into contracts grant agreements for the purpose of managing noxious aquatic plants in sovereignty lands, or those sites which might adversely impact sovereignty lands. ~~Applications for grants are made on FWC Form 50-035(16). An executed grant agreement shall serve as proof that the applicant (grantee) has sufficient funds on hand to satisfy any funding match requirement.~~ Approval of control techniques and program approval are contained in the individual workplans workplan for each waterbody which are compiled into a task assignment will become attachment A-1 of the grant agreement.

(2) In order for state and federal aquatic plant management funds to be considered, waters for which these funds are requested must meet the following eligibility criteria:

(a) The waterbody must be sovereignty lands, or Commission managed lands such as a Fish Management Area or Wildlife Management Area, or a site which might adversely impact sovereignty lands or Commission managed lands, or a state-owned spring or spring run.

(b) For sovereignty lands, the waterbody must have access to the boating public by way of an established, improved boat ramp or a direct navigable connection to an eligible waterbody.

1.(e) There must be a sign at the boat ramp stating that it is a public boat ramp or use area.

2. A ramp fee may be charged provided that the fee is not unreasonable (in keeping with ramp fees charged in the area).

3.(d) There must be at least one directional sign on the nearest paved roadway indicating the way to the public boat ramp.

4.(e) The boat ramp must have sufficient space to safely turn a vehicle and trailer around and ample parking space within one quarter mile distance from the boat ramp.

(3) Commission approval shall be the execution of the task assignment grant agreement between the contractor applicant and the ~~C~~ommission. ~~The applicant shall be notified in writing of application deficiencies or denial.~~

Rulemaking Specific Authority 370.021, 369.20, 369.22 FS. Law Implemented 369.20, 369.22 FS. History—New 5-30-93, Formerly 16C-54.0035, 62C-54.0035, Amended _____.

68F-54.005 Approval, Allocation, and Disbursement Procedures for Aquatic Plant Management Funds.

(1) Workplan requests ~~The applications for funds~~ shall be reviewed and approved by the section staff to determine compliance with this chapter.

(a) ~~Applicants submitting insufficient information or unreasonable cost estimates to support the allocation of funds will be notified and advised of such deficiency in writing. The~~

~~applicant shall have 30 days from the date of notification to furnish the additional information. The date of submission of the additional information shall be the postmarked date.~~

(b) ~~Applicants denied funds shall be notified in writing as to the reason for such denial.~~

(2) Although a waterbody may meet eligibility criteria, funding and workforce availability may be insufficient to manage noxious plants for a period of time. ~~When federal or state funds are involved, T~~he section shall allocate disperse funds according to the following priorities, with 1 being the highest priority, and the additional considerations listed in subsection 68F-54.005(3), F.A.C.:

Priority 1: (a) To manage waterhyacinth and waterlettuce, including those plants in waters which could infest connected eligible lakes and rivers.

Priority 2: (b) To manage new hydrilla infestations, particularly those at boat ramps or in waters connected to eligible waters which contain little or no hydrilla.

Priority 3: (c) To manage any noxious aquatic plant restricting access at public boat ramps, or to establish trails which connect boat ramps to major use areas.

Priority 4: (d) To provide open areas in dense stands of hydrilla for navigation and recreational use.

Priority 5: (e) To provide for large scale hydrilla management operations.

Priority 6: (f) To provide open areas in dense stands of other noxious plants for navigation and recreational use.

Priority 7: (g) To manage noxious plants in residential or dead end canals and which are connected to eligible waters, unless they contain: waterhyacinth or waterlettuce, or hydrilla when there is a navigable connection to an eligible water and the eligible water contains little or no hydrilla.

~~1. Waterhyacinth or waterlettuce.~~

~~2. Hydrilla, and there is a navigable connection to an eligible water, and the eligible water contains little or no hydrilla.~~

(3) ~~When federal or state funding is involved, T~~he ~~section~~ commission shall allocate funds for an individual waterbody using the criteria established in subsection 68F-54.005(2), F.A.C., with consideration being given to the following factors:

(a) No change.

(b) Availability of local funds or in-kind services for matching state or federal funds.

(c) through (h) No change.

(4) A task assignment grant agreement shall be executed by the ~~C~~ommission with the contractor grantee prior to any aquatic plant management activities being eligible for reimbursement. ~~This grant agreement shall contain the mutual obligations of the commission and the grantee.~~

(5) Reimbursement shall be based on accounting for actual costs and shall be the means for identifying and distributing allowable costs in the program. All invoices reporting forms

for a given month shall be provided to the Commission for determination of reimbursement no later than the 20th day of the following month. The commission shall have thirty (30) days in which to review, inspect, and accept the contractor's grantee's work effort and associated reimbursement documentation. Incomplete or incorrect invoices reports submitted shall be returned by the Commission for correction to the contractor grantee within thirty (30) days of receipt. The corrected invoice report shall be returned to the Commission no later than the 20th day following the day of receipt by the contractor grantee. The commission shall reimburse the contractor grantee monthly upon receipt of a properly certified invoice. The following certification statement shall appear on the invoice, "I certify that the above bill is correct and just and that payment thereof has not been received; I further certify that the contractor and all sub-contractors employed on the work have complied with the labor standards provision of the contract." The contractor grantee shall keep separate cost accounting records for this program from which the invoice shall be prepared.

Rulemaking Specific Authority ~~370.021(1)~~, 369.20, 369.22 FS. Law Implemented 369.20, 369.22, 120.60 FS. History—New 1-7-87, Amended 5-30-93, Formerly 16C-54.005, 62C-54.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Sutton, Habitat and Species Conservation Director, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-58.001	Administration and General Requirements
69A-58.002	Scope: New Construction and Existing Facilities
69A-58.003	Definitions
69A-58.0031	New Construction
69A-58.004	Firesafety Inspections
69A-58.0041	Charter Schools
69A-58.005	Serious Life Safety Hazards
69A-58.007	Counties, Municipalities, and Independent Special Fire Control Districts Having Firesafety Responsibilities, Without Firesafety Inspectors

69A-58.0083	Protection from Hazards
69A-58.0084	Seclusion Time-Out Rooms
69A-58.009	Florida Firesafety School Evaluation System

PURPOSE AND EFFECT: The proposed amendments will update the rules in Chapter 69A-58, F.A.C., and will implement the changes made by Chapter 2011-79, Laws of Florida.

SUMMARY: The term "special district" has been changed to "independent special fire control district" to conform to the language used in the new law. Rule 69A-58.003, F.A.C., adds a definition of "board," "board fire official," and "independent special fire control district." Rule 69A-58.0031, F.A.C., is amended to require school boards to submit a copy of the site plan for each new facility and new facility addition exceeding 2,500 square feet to the local fire official for review in accordance with Section 1013.38, F.S. Rule 69A-58.004, F.A.C., is amended to require only one annual inspection of educational facilities and specifies the procedures for electronic submission of the inspection certification. Rule 69A-58.0041, F.A.C., is added to require charter schools to undergo firesafety inspections in accordance with Section 1013.12, F.S.

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 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 economic analysis conducted by the Department showed that: (1) no requirement for a SERC was triggered under Section 120.541(1), F.S., and (2) based on the Department's past experience with rules of this nature, the adverse impact or regulatory cost, if any, will not exceed any of the criteria set forth in Section 120.541(2), F.S.

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: 633.01(1), (7), 1013.12(1) FS.

LAW IMPLEMENTED: 633.01(7), 633.0215(13), 633.022, 633.025, 1013.12, 1013.371, 1013.38 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):

DATES AND TIME: September 4, 2012, 10:00 a.m.; September 5, 2012, 10:00 a.m.

PLACE: September 4, 2012 – 3rd Floor Conference Room, The Atrium Building, 325 John Knox Rd., Tallahassee, FL; September 5, 2012 – Florida State Fire College, Auditorium, 11655 N.W. Gainesville Rd., Ocala, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Charles Frank at (850)413-3747 or Charles.Frank@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles Frank, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342; (850)413-3747 or Charles.Frank@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-58.001 Administration and General Requirements.

The Division of State Fire Marshal in consultation with the Department of Education hereby adopts firesafety rules for the use by board fire officials ~~boards~~ and local fire officials when conducting plans reviews for new construction and firesafety inspections of new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities to ensure the safety of occupants.

~~Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.001, Amended 11-26-06,_____.~~

69A-58.002 Scope: New Construction and Existing Facilities.

(1) This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities under the jurisdiction of a district school board or a public community college board of trustees.

(2) through (5) No change.

(6) Public Community colleges shall comply with the applicable chapters of NFPA 1 and NFPA 101, the Florida editions adopted in Rule 69A-3.012, F.A.C., in accordance with the following:

(6)(a) through (6)(c) No change.

(7) Nothing contained in these rules prohibits a county, municipality, or independent special fire control district having firesafety responsibility and a district school board or public community college board of trustees from entering into an

agreement or an understanding which governs inspections, reviews, and approvals of new construction in the subject jurisdiction.

(8) In the event of a conflict between the local fire official and the board fire official on the requirement or interpretation of any provision of this rule chapter or Rule Chapter 69A-60, F.A.C., or the Florida Fire Prevention Code, the conflict shall be resolved by agreement between the local fire official and the board fire official in favor of the requirement or interpretation of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction.

(9) If the local fire official and the board fire official are unable to agree on which requirement, interpretation, or system provides the highest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction, either official may petition the division for a declaratory statement in accordance with Section 120.565, F.S., and any rules applicable thereto, setting forth each one's positions and reasons therefor. If both the board fire official and the local fire official choose to file a petition, a joint petition should be filed. The division will make every effort to expedite the process of issuing a declaratory statement commensurate, however, with the time and publication requirements of Chapter 120, F.S.

(10) The local fire official and the board fire official are permitted to seek an informal nonbinding interpretation pursuant to Rule 69A-60.011, F.A.C. If such an informal opinion is requested, the request shall be given the highest priority by the Florida Fire Prevention Code Interpretations Committee and every effort shall be made to expedite a response.

~~Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.0215(13), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.002, Amended 11-26-06,_____.~~

69A-58.003 Definitions.

As used in this rule chapter, the following definitions apply:

(1) through (2) No change.

(3) “Board” means the ~~school~~ district school board or public community college board of trustees ~~employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with jurisdiction to make inspections of buildings and to enforce the firesafety codes, as required by these rules, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of school district and public college buildings, structures, or facilities.~~

(4) “Board fire official” means the firesafety inspector certified pursuant to Section 633.081(2), F.S., who is appointed by the board under Section 1013.371(2), F.S.

(5)(4) "Building" or "board building" means any building or structure located on, upon, or in any educational facility, educational plant, ancillary plant, or auxiliary facility owned, rented, leased, or under lease-purchase agreement or lease-purchase option with a board. These terms include "Building" includes any permanent, fixed, relocatable, and manufactured building or structure.

(6)(5) "Division," including the lower case "division," means the Division of State Fire Marshal of the Department of Financial Services.

(7)(6) "Educational facilities" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the boards. As used in these rules and unless otherwise clearly indicated by the context, "educational facilities" includes each educational facility, educational plant, ancillary plant, and auxiliary facility and all buildings and structures contained therein and thereon.

(8)(7) "Educational plant" comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the education program of each plant.

(9)(8) "Existing facility" means a facility or building that has been issued a certificate of occupancy prior to the effective date of this edition of this rule chapter.

(10)(9) "Florida Building Code" means the Florida Building Code as adopted in Rule 61G20-1.001 ~~9B-3.047~~, F.A.C., adopted pursuant to Section 552.73, F.S.

(11)(10) "FISH" means Florida Inventory of School Houses.

(12)(11) "Florida Fire Prevention Code" means the Florida Fire Prevention Code as adopted in Rule 69A-3.012, F.A.C.

(13) "Independent special fire control district" means an independent special district as defined in Section 191.003(5), F.S., that was created for the purposes of fire prevention, fire suppression, or fire protection.

(14)(12) "Local fire official" ~~or "fire official"~~ means the county, municipality, or independent special fire control district having firesafety responsibility employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with jurisdiction to make inspections of buildings and to enforce the firesafety codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities or, where the context requires, the State Fire Marshal, as referred to in Section 1013.12(3)(2) (b), F.S.

(15)(13) "New facility" means a facility that has not been occupied nor issued a building permit prior to the effective date of this edition of this rule chapter.

(16)(14) "NFPA 1" means the National Fire Protection Association Code 1, entitled the "~~Uniform~~ Fire Code," the Florida edition as adopted in Rule 69A-3.012, F.A.C.

(17)(15) "NFPA 101" means the National Fire Protection Association Code 101, entitled the "~~Life~~ Safety Code," the Florida edition as adopted in Rule 69A-3.012, F.A.C.

(16) "~~Special district that has firesafety enforcement responsibilities~~" means ~~a special fire control district or a special district which was created for the purposes of fire prevention, fire suppression, or fire protection.~~

(18)(17) "Student-occupied space" means any area planned primarily for use by six or more students.

(19)(18) The definitions in Section 1013.01, F.S., of words and terms found in Section 1013.12, F.S., or of words or terms found in this rule chapter apply to this rule chapter; however, in the event of a conflict between the definitions in Section 1013.01 or 1013.12, F.S., and these rules, the definitions in Sections 1013.01 and 1013.12, F.S., shall control.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 2-18-03, Formerly 4A-58.003, Amended 11-26-06, _____.

69A-58.0031 New Construction.

(1) New construction and new buildings are subject to and controlled by NFPA 1, the edition as adopted in Rule 69A-3.012, F.A.C., in Chapter 202, relating to "~~Educational Occupancies~~" and NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C., Chapter 14, "~~New Educational Occupancies~~," except where specifically otherwise provided in this rule chapter.

(2) Notwithstanding any rule or adopted code or standard in conflict herewith, the following procedures apply with respect to new construction and new buildings.

(a) Prior to commencement of any new construction or remodeling:

1. The board shall submit for review at least one copy of the site plan for each new facility and each new facility addition exceeding 2,500 square feet to the local fire official providing fire-protection to the facility in accordance with Section 1013.38(1), F.S.

2. All site plans reviewed by the local fire official shall be reviewed in accordance with Section 1013.38(1), F.S.

~~3.~~ The board shall approve or cause to be approved the plans, drawings, designs, proposals, blueprints, and other construction or remodeling documents and evaluate the same for complete compliance with the Florida Fire Prevention Code, ~~in accordance with Section 1013.38(1), F.S., or~~

4. ~~In addition to the site plans submitted, the~~ ~~The~~ board ~~may~~ ~~must~~ show compliance with all applicable firesafety codes and standards by at least one of the ~~other~~ means provided in Section 1013.38(2)(a) through (d), F.S.

(b) through (c) No change.

(3) The board must show compliance with all applicable firesafety codes and standards by contracting with a firesafety inspector certified under Section 633.081, F.S.

~~(4)(3)~~ A certificate of occupancy shall not be issued until the board's certified building official has determined that the building or structure and its site conditions comply with all applicable statutes, these rules, and all applicable firesafety codes and standards.

~~(5)(4)~~ Horizontal exits referenced in NFPA 101, section 14.2.2.5 and exit passageways referenced in NFPA 101, section 14.2.2.7 are prohibited.

Rulemaking Specific Authority 633.01(1), (7), 1013.12 FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 11-26-06, Amended _____.

69A-58.004 Firesafety Inspections.

(1) There shall be one required two annual inspection inspections of existing educational facilities, ancillary plants, and auxiliary facilities, as follows:

(a) Pursuant to Section 1013.12(2)(c)(1)(b), F.S., a firesafety inspection of each building of each educational plant and each ancillary plant shall be made annually by the board.

(b) Pursuant to Section 1013.12(3)(2)(b), F.S., a firesafety inspection of each building of each educational plant and each ancillary plant may shall be made annually by the local fire official.

(2) No change.

(a) through (c) No change.

(d) Are permitted and encouraged to be conducted jointly by the board fire official and the local fire official and documented on one inspection form. If the inspection is performed jointly, the inspection form shall clearly identify the name and certification number of each inspector and his or her employer. Each inspector must sign the inspection report.

(3) through (4) No change.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) The name of the school district or public college;

(b) The name of the board fire official and the local fire official (i.e., municipality, county, or independent special fire control district);

(c) The name of the facility inspected;

(d) The type of facility inspected (i.e., ~~K-5, 6-9, 10-12, CC, other~~);

(e) through (f) No change.

(g) The name, address, and phone number of each inspector, and the designation of whether such inspector is employed by or under contract with a board or is a board fire official or local fire official;

(h) No change.

(i) No change.

1. through 7. No change.

8. A statement that the district or board has or has not complied with Section 1013.12(2)(c)(1)(e), F.S., as applicable;

9. A statement that the county, municipality, or independent special fire control district having firesafety responsibilities has or has not complied with Section 1013.12(3)(b)(2)(e), F.S., as applicable;

10. through 11. No change.

(6) The inspection ~~reports~~ required by subsection (1) shall be certified submitted to the division by June 30 of each year.

(a) The board conducting a fire safety inspection under paragraph (1)(a) shall certify to the division that the inspection has been completed by electronically entering the required information regarding the inspection into either:

~~1. Forward one copy of the completed inspection report for each inspection conducted by the board to the division electronically by entering it into the "School Inspection Reporting System" database; or~~

~~2. Submit the report in any legible format with each violation coded in accordance with Form DFS-KL3-1674 (Rev. 02-06) the "School Inspection Reporting System" adopted herein by reference, and retain the original or a copy thereof. A copy of the form can be obtained at the Department's website located at www.fldfs.com/SFM/, or by mailing a request to The Florida State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.~~

(b) The local fire official conducting a firesafety inspection under paragraph (1)(b) shall certify to the division that the inspection has been completed by electronically entering the required information regarding the inspection into either:

~~1. Forward one copy of the completed inspection report for each inspection conducted by the local fire official to the division electronically by entering it into the "School Inspection Reporting System" database; or~~

~~2. Submit the report in any legible format with each violation coded in accordance with Form DFS-KL3-1674 (Rev. 02-06) adopted herein by reference, and retain the original or copy thereof.~~

(c) The inspection report resulting from a joint inspection shall be certified submitted by the board.

(d) No change.

(7) Any firesafety inspector certified in accordance with Section 633.081, F.S., or other designated employee authorized by a unit of government ~~who is certified in accordance with Section 633.081(2) or Section 633.081(3), F.S.,~~ may access enter the "School Inspection Reporting System" via the internet at <http://sfm.bebr.ufl.edu/> <http://app.bebr.ufl.edu/egroupware/login.php?ed=1>. Inspection authorities and the public You may also access the "School Inspection Reporting System" through the Division's website located at www.myfloridacfo.com/SFM/, www.fldfs.com/SFM/.

Rulemaking Specific Authority 633.01(1), (7), 633.022, 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.004, Amended 11-26-06, 5-18-08, _____.

69A-58.0041 Charter Schools.

(1) All authorized charter schools located on property that is owned or leased by a school district or a public college shall be inspected in accordance with Section 1013.12(2)(c), F.S., and the provisions of this rule chapter.

(2) All other authorized charter schools shall be inspected by the local fire official providing emergency services to the charter school in accordance with Section 1013.12(5)(b), F.S., and the provisions of this rule chapter.

(3) Inspections of charter schools shall be certified to the division using the same procedure as all other public schools and colleges in accordance with Rule 69A-58.004(6) F.A.C.

Rulemaking Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 663.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New _____.

69A-58.005 Serious Life Safety Hazards.

(1) No change.

(2)(a) 1. through 7. No change.

(b) Other conditions may be identified to the division by the board fire official or local fire official for designation as a serious life safety hazard, including but not limited to:

(b)1. through 3. No change.

(c) No change.

1. No change.

a. through c. No change.

2. Hazard of contents shall be determined by the board fire official or local fire official on the basis of the character of the contents and the processes or operations conducted in the building or structure. For the purposes of these rules, where different degrees or hazard of contents exists in different parts of a building or structure, the most hazardous shall govern the classification unless hazardous areas are separated or protected as specified in section 8.4 and the applicable sections of Chapters 11 through 42 of NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C.; or

3. Upon a finding of a dangerous condition consistent with the criteria located in NFPA 1, section 3.3.39.1 3-3.32.1, the edition as adopted in Rule 69A-3.012, F.A.C., for extra high hazard occupancies, based on the total amount of Class A combustibles and Class B flammables present, in storage, production, use, finished product, or combination thereof, and when such material is over and above those expected in occupancies classed as ordinary (moderate) hazard. Those areas or occupancies could consist of woodworking, vehicle repair, cooking areas, product displays, and storage and manufacturing processes such as painting and coating, including flammable liquid handling. Also included is warehousing of or in-process storage of other than Class I and

Class II commodities as defined by NFPA 13, *Standard for the Installation of Sprinkler Systems*, section 5.6.3 40-1-5-3, the edition as adopted in Rule 69A-3.012, F.A.C.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1), (8) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.005, Amended 11-26-06, _____.

69A-58.007 Counties, Municipalities, and Independent Special Fire Control Districts Having Firesafety Responsibilities, Without Firesafety Inspectors.

(1) Any county, municipality, or independent special fire control district having firesafety responsibilities which does not employ or has not contracted with a firesafety inspector certified under Section 633.081(1), F.S., to enforce the Florida Fire Prevention Code as required by Section 633.025(2), F.S., at the time of the adoption of this rule chapter is permitted to contact the division and request that the division perform the inspections required by the local fire official pursuant to Section 1013.12(3)(2), F.S., and this rule chapter and performed under Section 633.081(1), F.S.

(2) Upon receiving such request, the division shall perform the inspections required by this rule chapter during the period of time the county, municipality, or independent special fire control district is not in compliance with Section 633.081(1), F.S., and does not employ or is not under contract with a firesafety inspector certified under Section 633.081(1), F.S., not, however, to exceed one annual inspection per facility.

(3) Each such county, municipality, or independent special fire control district having firesafety enforcement responsibilities shall employ or contract with a firesafety inspector certified under Section 633.081(2), F.S., pursuant to the requirement of Section 633.081(1), F.S., to fulfill the obligation imposed by Section 633.025, F.S.

(4) No county, municipality, or independent special fire control district having firesafety enforcement responsibilities which employs or contracts with a firesafety inspector as of the effective date of Section 1013.12, F.S., is authorized to request that the State Fire Marshal perform the inspections referred to in this section, and the State Fire Marshal shall not perform any inspection for such county, municipality, or independent special fire control district having firesafety responsibilities.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 633.081, 1013.12, 1013.371, 1013.38 FS. History—New 2-18-03, Formerly 4A-58.007, Amended 11-26-06, _____.

69A-58.0083 Protection from Hazards.

(1) through (5) No change.

(6) Residential Appliances Home Economics Instructional Spaces. Residential style ranges installed in home economics instructional spaces, classrooms, faculty lounges, and similar

areas shall not be required to comply with the provisions for commercial cooking appliances under NFPA 96, provided all of the following requirements are met:

- (6)(a) through (6)(c) No change.
- (7) No change.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 11-26-06, Amended _____.

69A-58.0084 Seclusion Time-Out Rooms.

- (1) through (7) No change.

(8) If during any firesafety inspection a secured seclusion time-out room is found in violation of this rule chapter, the board fire official or the local fire official shall immediately report the deficiency to the division in accordance with Section 1013.12(2)(d)(+)(e) or 1013.12(7)(5), F.S., and the secured seclusion time-out room shall be immediately withdrawn from use.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 11-26-06, Amended _____.

69A-58.009 Florida Firesafety School Evaluation System.

(1) Any Florida school building which was initially occupied prior to January 1, 1985, is permitted to use the Florida Firesafety School Evaluation System originally dated September 19, 2000, and Amended June 28, 2001, which is located in Form DFS-K3-1546 ~~DI4-1546~~, (Rev 10-02) and which is hereby ~~adopted and~~ incorporated by reference, in lieu of or as an alternative to the requirements of Rule 69A-58.008, F.A.C.

(2) The Florida Firesafety School Evaluation System, Form DFS-K3-1546 ~~DI4-1546~~, may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

- (3) No change.

(4) For buildings occupied after January 1, 1985, boards, board fire officials and local fire officials may use the equivalency provisions of Section 1.4 of NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C.

Rulemaking Specific Authority 633.01(1), (7), 1013.12(1) FS. Law Implemented 633.01(7), 633.022, 633.025, 1013.12, 1013.371, 1013.38 FS. History--New 2-18-03, Formerly 4A-58.009, Amended 11-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Frank, Bureau of Fire Prevention, Division of State Fire Marshal

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NOS.: 69J-128.023
69J-128.024
RULE TITLES: Nondiscrimination
Effective Date

PURPOSE AND EFFECT: These rules were identified as being unnecessary as part of the 2011 comprehensive rule review project.

SUMMARY: The rules are repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the proposed rule's potential impact and determined that it did not exceed any of the criteria set forth in Section 120.541(2)(a), F.S.

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: 624.308, 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 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: August 20, 2012, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-5800 or Tasha.Carter@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800 or Tasha.Carter@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69J-128.023 Nondiscrimination.

Rulemaking Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 12-8-02, Formerly 4-128.035, 69B-128.035, Repealed _____.

69J-128.024 Effective Date.

Rulemaking Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History – New 12-16-01, Formerly 4-128.026, 69B-128.024, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Director, Division of Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

Section III
Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-1.1101 Amendments to and Releases of Conservation Easements.

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The correction is in response to a comment submitted by the Joint Administrative Procedures Committee in a letter dated July 6, 2012. The correction describes the basis that the District relied upon to conclude that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S. The following underlined part contains the correction:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The District has determined that this rule will not have an adverse impact on small businesses and will not increase regulatory costs in excess of \$200,000 within one year. No SERC has been prepared by the District.

The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendment, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to Section 120.541(3), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Legal Administrative Assistant, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-2.091 Publications Incorporated by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:
40E-3.021 Definitions
40E-3.036 Rules and Publications Incorporated by Reference
40E-3.038 Violations of Contractor Licensing and Well Construction Requirements
40E-3.101 Content of Application
40E-3.411 Well Completion Reports
40E-3.507 Casing and Liner Pipe Standards
40E-3.512 Well Construction Requirements
40E-3.517 Grouting and Sealing
40E-3.521 Well Seals
40E-3.600 Scope of Part VI
40E-3.601 General Permit for Water Wells within a Portion of Southern Miami-Dade County

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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs ("SERC").

The changes to the proposed rule are in response to comments made by the Joint Administrative Procedures Committee in a letter dated June 20, 2012, and are as follows:

40E-3.021(17): The definition of "Water Well Contractor" has been deleted from this rule, the remainder of the subsections within this rule have been re-numbered, and the proposed rule text has been revised to reflect these changes.

40E-3.021(20): A grammatical error has been corrected, the subsection has been re-numbered to (19), and the proposed rule text has been revised to reflect these changes.

40E-3.036(3), 40E-3.038(1), 40E-3.101(1), (2), (3), and 40E-3.411(1): The proposed rule text for these rules has been revised to indicate that the delegated permitting authorities are identified in Rule 40E-3.035, F.A.C.

40E-3.517(8)(g): This subsection of the rule has been deleted and the proposed rule text has been revised to reflect this change.

40E-3.600(1): The rule text has been revised to say "Part VI of Chapter 40E-3, F.A.C.," instead of "This Part".

40E-3.600(2): This subsection has been deleted from this rule, the subsequent subsection has been re-numbered, and the proposed rule text has been revised to reflect this change.

40E-3.600(3): The rule text has been revised to say "...in accordance with Rule 40E-3.601, F.A.C.," instead of "Rule 40E-30.302, F.A.C.," the rule text has also been revised to say "Part VI of Chapter 40E-3, F.A.C.," instead of "This Part", and the subsection of this rule has been re-numbered to (2).

40E-3.601(1): The reference to Rule 40E-3.201, F.A.C., has been removed from the rule text, the last sentence of this subsection has been deleted, and the proposed rule text has been revised to reflect these changes.

40E-3.601(2): The rule text has been revised to include Section 373.118, F.S., as law implemented.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.021 Definitions.

When used in this chapter:

~~(1) "Abandoned Well" means a well, the use of which has been permanently discontinued. Any well which is in such a state of disrepair that its continued use for the purpose of obtaining groundwater, or disposing of water or liquid wastes, or for observation, is impractical, shall be deemed to be abandoned.~~

~~(1)(2) "Annulus" or "Annular Space" means any artificially created void existing between a well casing or liner pipe and a borehole wall, or between two casings, or between tubing and the casing for liner pipes.~~

~~(3) "Aquifer" means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells, springs, or surface water.~~

~~(4) "Bentonite Grout" means a pumpable grouting material, consisting of high solid sodium montmorillonite, used for plugging or sealing water wells.~~

~~(2)(5) "Casing Diameter" or "Diameter of Casing" means the largest nominal permanent water bearing casing. For the purpose of this chapter, the diameter of the casing at the upper terminus will be presumed to be the diameter for the entire length, unless the well owner or contractor can demonstrate that the well has a smaller diameter permanent water bearing casing below the upper terminus.~~

~~(3)(6) "Consolidated" means a geologic stratum, which is cemented with a binding substance commonly derived from within the deposit containing that stratum.~~

~~(4)(7) "Consumptive Use Permit" or "Water Use Permit" means a Water Use Permit issued under Chapter 40E-2 or 40E-20, F.A.C.~~

~~(8) "Department" means the Florida Department of Environmental Protection (FDEP).~~

~~(5)(9) "Dewatering" means the use of wells or other such equipment to temporarily lower a water level as may be necessary during construction activities.~~

~~(6)(10) "Driller" means a person licensed by the water management district or a person working under the direct supervision of a licensed water well contractor who actually constructs the well.~~

~~(11) "Driven Casing" means well casing installed by the percussion drilling method, in which the well casing is advanced into a borehole that is less than the nominal outside diameter of the casing.~~

~~(12) "Drive Shoe" means any device specifically designed, fabricated, and installed to protect the bottom end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place in a water well.~~

~~(7)(13) "Field Log" means a log with accurate, written documentation of all construction activities needed to fill out well completion reports.~~

~~(8)(14) "Filter Pack" means sand or gravel that is uniform, clean, and siliceous. It is placed in the annulus of the well between the borehole wall and the well screen.~~

~~(15) "Grout" or "Neat Cement Grout" means a mixture consisting of water and Portland cement (American Concrete Institute Types I, II, or III, or other types of cement and acceptable amounts of those additives approved for use in cement grouts by the District), also Bentonite grout as defined by subsection 62-532.200(4), F.A.C.~~

~~(9)(16)~~ “Inspection Port” means any opening not less than three-quarters (3/4) inch in diameter through which unobstructed access to the inside of the casing can be obtained for measuring water levels. Inspection ports shall be threaded openings temporarily sealed with a removable watertight plug.

~~(10)(17)~~ “Jetted Well” or “Sand Point Well” means a pipe with an attached well point or open-ended screen. The well is installed in unconsolidated formations by the washing action of a water jet.

~~(18)~~ “Liner” means a metallic or nonmetallic pipe, which is installed within the permanent water bearing casing to improve, repair, or protect the casing or is installed below and separate from the casing to seal off casing material which may be encountered in the open hole of the well.

~~(11)(19)~~ “Monitoring Well” or “Observation Well” means a well used primarily to monitor hydrologic parameters such as water levels or water quality.

~~(20)~~ “Nominal” means the standard size of the well casing and may be less than or greater than the number indicated. Nominal, when referring to the grouting annulus, means either the available void thickness between the telescoped casings or the average available void thickness between the borehole and the outside wall of the casing at any point.

~~(12)(21)~~ “Packer” means a device placed within a well casing that seals the annulus between two pieces of casing, between the casing and the screen, between one formation or water bearing strata and another, or between the formation and the casing.

~~(13)(22)~~ “Public Water Supply Well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, 62-524, and 64E-8, F.A.C.

~~(23)~~ “Public Water System” means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if such a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

~~(24)~~ “Telescoped casing” means an interior well casing extending below an exterior casing.

~~(14)(25)~~ “Test Hole” means any temporarily cased or uncased hole drilled, bored, cored, washed, or jetted, for the intended use of obtaining data for engineering, geophysical or geological exploration, and/or prospecting for minerals or products of mining or quarrying, and not for the purposes of either producing, disposing of, or searching for water.

~~(15)(26)~~ “Upper Terminus” means that portion of a well casing ending at land surface or within an approved depth below land surface. Land surface is considered to be the ground elevation of the finished grade at the well.

~~(16)(27)~~ “Water Test Well” means a temporary water well for the purpose of obtaining data to determine aquifer properties or water quality. Water test wells are typically

drilled prior to applying for a water use permit. Water test wells must either be abandoned or converted to a water well or monitoring well within 30 days of completion of testing.

~~(28)~~ “Water Use Permit” means a permit issued under Chapter 40E-2 or 40E-20, F.A.C.

~~(29)~~ “Water Well” means a well as defined in Section 373.303(7), F.S., which includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water. This term does not include any well constructed for the purpose of obtaining or prospecting for oil, natural gas, or products of mining or quarrying, for disposing of oil brine or re-pressuring oil bearing or natural gas bearing formations, for storing petroleum, natural gas or other products, or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes.

~~(30)~~ “Water Well Contractor” means an individual who is responsible for the location, construction, repair, or abandonment of a water well and who is licensed under Chapter 62-531, F.A.C., to engage in the business of construction, repair, or abandonment of water wells.

~~(17)(31)~~ “Well Casing” means a metallic or non-metallic pipe installed in a borehole or driven to prevent caving, provide structural strength, seal off zones of poor water quality, or prevent the interchange of waters between aquifers.

~~(18)(32)~~ “Well Completion Report” means the form, supplied or approved by the District, that is completed and signed by the licensed water well contractor.

(19) All definitions contained in Section 373.303, F.S., and Chapters 62-531 and 62-532, F.A.C., are adopted and incorporated by reference in paragraphs 40E-3.036(1)(a) and (c), F.A.C., respectively.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, _____.

40E-3.036 Rules and Publications Incorporated by Reference.

(1) The following Department rules and publications are incorporated by reference into this rule and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District.

(a)(4) Chapter 62-531, F.A.C., Well Contractor Licensing Requirements (11-25-07), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00573>. (12-25-02)

(b)(2) The Department’s Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00581>, and the Department’s Florida Unified Citations Dictionary for Well Construction (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00580>.

~~(c)(3)~~ Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00574>. ~~(3-28-03)~~

~~(d)(4)~~ Chapter 62-555, F.A.C., Construction of Public Supply Water Wells (4-10-03), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00575>.

~~(e)(5)~~ Chapter 62-524, F.A.C., Construction of Water Wells in Delineated Areas (6-27-00), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00572>.

(2) The following Department forms are incorporated by reference into this chapter and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District:

(a) State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, DEP Form 62-532.900(1), incorporated by reference in subsection 40E-3.101(1), F.A.C.

(b) State of Florida Well Completion Report, DEP Form 62-532.900(2), incorporated by reference in subsection 40E-3.411(1), F.A.C.

(c) Application for a State of Florida Water Well Contractor's License, Form 0186, incorporated by reference in subsection 40E-3.038(3), F.A.C.

(3) Copies of these publications and forms can be obtained at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended _____.

40E-3.038 Violations of Contractor Licensing and Well Construction Requirements.

(1) Applications for a water well contractor license shall be filed with the District on Form 0186, (_____-2012), "Application for a State of Florida Water Well Contractor License", incorporated by reference herein: <http://www.flrules.org/Gateway/reference.asp?No=Ref-00607>. Form 0186 is available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.

(2) Each well contractor meeting the licensing requirements set forth in Chapter 62-531, F.A.C., incorporated by reference in paragraph 40E-3.036(1)(a), F.A.C., will be assigned a permanent license number and shall be issued a certificate with that number.

~~(3)(4)~~ Violations of the contractor licensing requirements and well construction requirements are provided by Chapter 373, F.S., and Chapter 62-531, F.A.C.

~~(4)(2)~~ The licensed contractor must submit any change of address to the District within 30 days.

Rulemaking Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Amended 3-16-05, _____.

40E-3.101 Content of Application.

(1) All applications shall be submitted to the permitting authority, as identified in Rule 40E-3.035, F.A.C., by the owner or by the water well contractor on behalf of the owner. All applications shall be submitted on DEP Form 62-532.900(1), (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00576>, the form entitled "State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well," incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.

(2) All applications shall be submitted with the required non-refundable fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40E-3.035, F.A.C., shall be submitted with the permit application.

(3) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated, as identified in Rule 40E-3.035, F.A.C. The application for the construction, repair or abandonment of water wells shall contain:

(a) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the well, except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: "Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well, will be submitted to the District";

(b) The name, address, telephone number and signature of the property owner or his agent, if applicable, on whose property the well is being drilled,

(c) Written authorization from the owner designating the authorized agent, if any,

(d) The location of the well (to the nearest one-quarter-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates to the nearest one hundred feet), and property site map of the well location, depicting land marks and providing a scale,

(e) The expected cased depth and total depth of the well,

(f) The proposed use of the well,

(g) The proposed grouting interval,

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair or abandonment methods, specifications including casing types, casing diameters; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of the well, or the method of plugging and abandoning of the well,

(j) The anticipated starting date to begin drilling,

(k) The District water use permit number, the water use application number, and the well number from the water use permit Table A, if applicable,

(l) A well completion report and/or lithologic or cuttings log for any test hole or water test well and testing results, which is being requested to be converted to a water well,

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and ~~three copies~~ of a scaled map showing the well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination within a 500 feet radius of the proposed well location, and

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum shall include:

1. Purpose of the test, a brief description of the testing method, and a summary of the results to be provided to the District within 30 days of completion of the testing.

2. Name, address, and telephone number of the person or consulting firm performing the test.

3. A site map showing the location of the water test well and any observation wells.

(4) In addition to the information required to be submitted on the District form, the District staff may specifically request such reasonable additional information as may be necessary to evaluate the hydrologic impacts of the withdrawal to ensure that the impacts will not be harmful to the water resource of the District as set forth in Chapter 40E-2, F.A.C., and that the withdrawals are in compliance with statutory and rule requirements. Pursuant to Section 373.314, F.S., the District will cite a specific rule when requesting such additional information. Such requests for additional information will be made in compliance with Section 120.60, F.S., and Chapter 40E-1, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 11-8-99, 3-16-05_____.

40E-3.411 Well Completion Reports.

(1) The water well contractor shall ~~complete and submit a fully completed well completion report (Form 0124) DEP Form 62-532.900(2), (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00578>, “State of Florida Well Completion Report,” incorporated by reference herein,~~ to the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., for the construction, repair or abandonment of all wells, regardless of whether a permit is required under Rules 40E-3.101 and 40E-3.600, F.A.C. Well completion reports shall be filed with the District and delegated agency, as identified in Rule 40E-3.035, F.A.C. within 30 days of the completion of the work, using DEP Form 62-532.900(2). Copies of DEP Form 62-532.900(2) are available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities’ offices, as identified in Rule 40E-3.035, F.A.C.

(a) Well completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(b) ~~Computer generated completion reports developed by the contractor may be used in place of District supplied forms.~~

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

(3) If no work is performed or if the well is not completed, a report shall be filed within ~~30~~ thirty days of the expiration of the permit stating that no well construction was performed under the permit or outlining the status of the incomplete well.

(4) For water test wells, a report on the test results shall be submitted to the District within 30 days of completion of the testing. The report shall also include a request and a proposed schedule to either abandon the water test well or convert the water test well to a production well or monitoring well.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05_____.

40E-3.507 Casing and Liner Pipe Standards.

(1)(a) ~~Well casing, liner pipe, and well screen shall be new or in like new condition. Such well casing, liner pipe, and well screen shall not be used unless free of breaks, corrosion, and dents, straight and true, and not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe.~~

(1)(b) All well casing shall conform to the standards identified in subsection 62-532.500(1), F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C.

(2) Wells constructed using telescoping casings shall be considered as a continuous casing provided the following conditions are met:

(a) Any annular space including the overlapped section shall be grouted in accordance with subparagraph ~~62-532.500(3)(i), (4) 62-532.500(2)(f)4~~, F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C. The grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers is prohibited.

(b) The bottom end of the casing shall extend to or below the water level of the aquifer intended to supply water to the well.

(c) All casing zones below the uppermost consolidated unit shall be cased.

(d) A minimum of 10 feet overlap is required for non-public supply wells. One casing centralizer shall be used within the overlapped section.

(e) A minimum of 20 feet overlap is required for public supply wells. Two casing centralizers shall be used within the overlapped section.

~~(3) Steel well casing and liner pipe shall be joined in a watertight manner by threaded couplings, electrical welding methods, or other methods approved by the District which provide equivalent protection. PVC pipe shall be joined by solvent bonded couplings, threaded couplings, heat welding, or other methods approved by the District which provide equivalent protection.~~

~~(4) Nonmetallic and stainless steel well casing or liner pipe shall not be installed by driving unless prior approval is obtained from the District based on a demonstration that the integrity of the well casing or liner pipe will be maintained.~~

~~(a) For well casing or liner pipe installed by driving, the casing or pipe shall not butt together inside threaded couplings unless the joint is electrically welded so as to be completely watertight.~~

~~(b) A drive shoe is required for use on casing or pipe installed by driving unless prior approval is obtained from the District based on a demonstration that a drive shoe is not necessary to maintain the integrity of the casing or pipe.~~

Rulemaking Authority 373.044, 373.171, 373.309, ~~373.171~~ FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05,_____.

40E-3.512 Well Construction Requirements.

~~(1) In the construction of a well, reasonable caution shall be taken to maintain the work site so as to minimize the entrance of contaminants into the water resource.~~

~~(1)(a) Materials used in construction shall be reasonably free of contamination.~~

(b) Water used during construction shall be supplied from a potable well or potable water supply. If the well or water supply is a known source of contamination or is within a known area of contamination, it shall not be used to provide water for well construction.

~~(2)(a) All water wells which penetrate multiple aquifers or water bearing zones shall be properly designed and constructed to prevent an interchange of water between water bearing zones which may result in deterioration of the quality of water in one or more water bearing zones, or will result in a loss of artesian pressure.~~

~~(b) If a well cannot be properly completed to prevent an unauthorized interchange of water between water bearing zones or to prevent a loss of artesian pressure, the well shall be abandoned and plugged in accordance with subsection 40E-3.531(3), F.A.C., or other instructions from the District, which are appropriate for the geological conditions encountered.~~

~~(3) For wells obtaining water from unconsolidated earth materials, casing shall extend from the upper terminus of the well to the well screen.~~

~~(a) The well screen shall be attached to the casing with a watertight seal;~~

~~(2)(a)(b) The well shall be constructed to prevent caving or pumping of sand. A filter pack shall be installed around the screened portion of the well;~~

~~(b)(e) The well shall be adequately developed until clear of any drilling fluids, particulate material and turbidity.~~

~~(3)(4) For wells obtaining water from consolidated earth materials, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit.~~

~~(4)(5) For artesian wells, the casing shall penetrate the entire thickness of the overlying formation above the aquifer. The District may grant waivers for seating of casing within the confining zone above an artesian aquifer provided that:~~

~~(a) The casing extends a sufficient distance into the confining zone so as to prevent movement of water from the artesian aquifer to overlying aquifers;~~

~~(b) The District determines that such construction will not harm the water resources.~~

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05,_____.

40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed in accordance with paragraph ~~62-532.500(3)(i)(2)(f)~~, F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C., and ~~this section~~ to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in paragraph 62-532.500(3)(i)(2)(f), F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C. and this section.

(2) For any part of a well casing with an outside diameter of four inches or larger intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, ~~the annular space shall be filled from bottom to top with not less than a nominal two inch thickness of neat cement grout.~~

(3) For any part of a well casing with an outside diameter of less than four inches intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, ~~the annular space shall be filled from bottom to top with not less than a nominal one inch thickness of neat cement grout minimum.~~

(2)(4) Wells obtaining water from unconsolidated formations, using a method other than jetting or driving a casing, and creating an annular space, shall be grouted from no more than ten (10) feet above the top of the screen to the upper terminus. Borehole cuttings shall not be reintroduced into the annular space.

(3)(5) For jetted wells or sand point wells obtaining water from an unconsolidated formation of a naturally caving nature in which the annular space is completely filled with formation material, only the upper three (3) feet shall be grouted to provide protection from possible contaminated surface water.

(4)(6) For jetted wells or sand point wells circulating drilling fluids to the surface, and obtaining water from a consolidated formation, shall be grouted bottom to top prior to being seated into water bearing formation.

(5)(7) For wells constructed by driven casing, dry bentonite, with an average mesh size of between 4 and 20 U.S. standard sieve size or grain size between 5mm and .85mm, must be added to the continuous casing string at land surface at the beginning and during construction of the well.

(6)(8) All other wells shall be grouted from the bottom of the casing to land surface.

(7)(9) Unless a variance has been granted by the District, grouting and sealing of water wells shall be accomplished in the following manner:

(a) The grout mixture shall consist of either Portland Cement or a natural bentonite slurry for wells and boreholes meeting the requirements in subsection 40E-3.512(7), F.A.C. The mixture shall consist of 5.2 to 5.5 gallons of water per sack of Portland Cement or a mixture of 6.0 gallons of water per sack of Portland Cement with 3 to 7.5 pounds of Bentonite, not to exceed 8% by weight.

(b) The minimum set time for grouting of casing using either Portland Cement or Bentonite before drilling operations may continue is 12 hours.

~~(c) The casing shall be centered in the borehole prior to grouting and sealing.~~

(c)(d) Grouting of the annular space shall be completed using the tremie pipe, forced pressure, or other equivalent method approved by the District. In all cases, grout will be introduced into the annular space from bottom to top.

~~(e) In those cases where, during grouting operation, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation. The annulus shall be bridged at that point by sand or other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the tremie pipe or other approved methods.~~

(8)(10) Water wells constructed using Bentonite grouts shall meet all the following requirements:

(a) The slurry grout mixture shall be introduced into the annular space from bottom to top. The casing seat must be clean, allowing the casing to set at the total depth bored in a hole reasonably free of drill cuttings;

(b) A formation packer or a 5-foot neat cement plug must be installed at the casing seat;

(c) Neat cement must be placed in the upper ten (10) feet of the annular space to prevent deterioration of, or damage to, the bentonite seal; and

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids.

(e) Bentonite grout may be used for abandonment purposes for any well. However, it cannot be used to abandon a dry well, or a well which flows to surface and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement.

(f) Bentonite chips or pellets used for abandonment purposes may not be placed in any well casing or hole less than three inches in diameter or for sealing the annular space of any well.

~~(g) In all circumstances, the manufacturer's mixing instructions shall be followed.~~

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, _____.

40E-3.521 Well Seals.

Wells shall be covered and sealed in accordance with paragraph 62-532.500(4)(a), F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C.

(1) Temporary Well Seals.

(a) Whenever there is a temporary interruption in work on the well during construction, repair or abandonment, the well opening shall be sealed with a tamper resistant cover.

(b) Except in areas designated by the Department with the concurrence of the District, any well in which pumping equipment is installed seasonally or periodically shall, whenever pumping equipment is not installed, be capped with steel or reinforced concrete cover, or valve.

(1)(2) Permanent Well Seals.

(a) Wells shall be properly sealed to prevent the movement of contaminants and surface water into the well.

(b) The top of the well casing shall at a minimum extend 12 inches above land surface and if practical, 12 inches above the 100-year flood elevation.

(c) Any cased well equipped with permanently installed pumping equipment shall have that pumping equipment and any necessary piping installed through a well seal.

(d) Any unused well shall be capped in a watertight manner with a threaded, welded, or bolted cover or valve. The top of the well casing shall at a minimum extend 12 inches above land surface.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 3-16-05, Amended _____.

40E-3.600 Scope of Part VI.

(1) Part VI of Chapter 40E-3, F.A.C., grants a general permit for certain specified well construction, repair or abandonment activities which have been determined by the District to exist in unique geographic areas.

(2) The construction, repair or abandonment of wells in accordance with Rule 40E-3.601, F.A.C., are authorized subject to the requirements of Part VI of this chapter.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309 FS. Law Implemented 373.113, 373.118, 373.306, 373.308, 373.309, 373.342 FS. History—New _____.

40E-3.601 General Permit for Water Wells within a Portion of Southern Miami-Dade County.

(1) It is determined that compliance with Rules 40E-3.101, 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517 and 40E-3.531, F.A.C., will create an undue hardship to those persons proposing to construct, repair or abandon wells used for agricultural water use within south Miami-Dade County. It is further determined that the continued existence of these wells and method of well construction has not been shown to impair the ground water resources.

(2) A general permit is granted to those wells intended for agricultural use which do not exceed 25 feet in depth and which are located within the area depicted on Figure 3-1 and described as follows:

BEGINNING at the intersection of the centerline of South Florida Water Management District's Levee 31 West and the south line of Section 7, Township 58 South, Range 38 East; Thence, Easterly along the south line of said Section 7 to the centerline of South Florida Water Management District's Canal 111; Thence, Southeasterly, Southerly and Southeasterly along said centerline of Canal 111 to the centerline of State Road 5 (U.S. Highway 1); Thence, Southerly along said centerline of State Road 5 (U.S. Highway 1) to the Dade-Monroe County line and Florida Bay; Thence, Northeasterly along the Dade-Monroe County line to the Western shore of Little Card Sound; Thence, Northeasterly and Northerly along the Western shore of Little Card Sound and Biscayne Bay to the south line of Section 14, Township 56 South, Range 40 East; Thence, Westerly along the section lines to the centerline of State Road 821; Thence, Northerly along said centerline of State Road 821 to the South line of the North one-half of Section 17, Township 56 South, Range 40 East; Thence, Westerly along the one-quarter section lines to the Southwest corner of the Northwest one-quarter of said Section 18; Thence, Northerly to the Southeast corner of Section 12, Township 56 South, Range 39 East; Thence, Westerly along the south line of said Section 12 to the Southwest corner of said Section 12; Thence, Northerly along the West line of said Section 12 to the centerline of South Florida Water Management District's Canal 1 West; Thence, Northwesterly and Westerly along said centerline of Canal 1 West and its Westerly Extension to the centerline of South Florida Water Management District's Levee 31 North; Thence, Southerly along the centerline of said Levee 31 North and the centerline of South Florida Water Management District's Levee 31 West to the POINT OF BEGINNING.

No change to Fig. 3-1 (Map).

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.118, 373.309, 373.313, 373.326, 373.342 FS. History—New _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.091	Publications Incorporated by Reference
40E-20.301	Conditions for Issuance of General Water Use Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-30.011	General Permit for Wells
40E-30.031	Implementation
40E-30.042	General Permit for Construction, Repair or Abandonment of Wells
40E-30.112	Notice of Intent
40E-30.141	Request for Additional Information
40E-30.302	Thresholds for South Dade County

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: A Statement of Estimated Regulatory Costs (“SERC”) has not been prepared because the District is proposing the repeal of Chapter 40E-30, F.A.C. In addition, the Agency has determined that the proposed rule is not expected to require legislative ratification because Chapter 40E-30, F.A.C., is being repealed.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.:	RULE TITLE:
60FF1-5.003	E911 State Grant Programs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The correction is in response to a clerical error. The correction is as follows:

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 been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the

Board, based upon the expertise and experience of its members, determined that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The following is a summary of the SERC:

- The E911 State Grant Program should not have an impact on business competitiveness.
- The cost to associated with the rule are minimal and limited to the grant application submission costs for printing and shipping and grant reporting costs.
- The estimated number of small businesses that would be subject to the rule is 1 through 99.
- The costs for grant application submission and reporting have been minimized by using an electronic reporting process and with minimal application paperwork requirements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-51.001	Manner of Application

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. 37, No. 49, December 9, 2011 issue of the Florida Administrative Weekly.

These changes are being made pursuant to comments received from the Joint Administrative Procedures Committee: The changes are as follows:

The PURPOSE and EFFECT: The purpose and effect of the amendments is to update and clarify, and to change the amended date of, the licensure application.

The SUMMARY: The rule amendments update the date of form DOH-MQA 1164, the form’s contact and application information, statutory references; deletes the requirement for a photograph; and amends questions to be answered by the applicant A notice of change was published January 20, 2012, setting forth the procedure for requesting a public hearing on the rule.

This amendments provides the new revised date of the application, and corrects the coding of the rule text which includes no changes to subsections (2) and (3), and will read as follows:

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form

DH-MQA 1164, 02/12 8/09, Electrologist Application, which can be accessed through www.doh.state.fl.us/mqa. The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

(2) through (3) No change.

Section 478.46, 478.47, 478.53 and 478.055, Florida Statutes, will be added to the Law Implemented.

With respect to Form DH-MQA 1164, Electrologist Application, Revised 01/11:

On the first page of the application, under “Temporary Permits”, the instructions incorrectly refers applicants requesting a temporary permit to Section 3. The text has been amended, to read as follows:

Temporary permits may be requested if you wish to practice electrolysis prior to examination and/or licensure. See section 4 3 of the application form.

The section “Special Testing Accommodations” has been amended to provide the appropriate contact information, and will read as follows:

Candidates requiring special testing accommodations will need to apply directly with the testing vendor. Current contact information for the testing vendor is maintained on the Council’s website at the following address: http://www.doh.state.fl.us/mqa/electrolysis/eo_deadlines.html.

In Section 15 “Statement of Applicant”, the first (1st) paragraph, are amended to read as follows:

I declare these statements are true and correct and recognize that providing false information may result in disciplinary action against my license or criminal penalties pursuant to Sections 456.067, 775.083 775-0083 and 775.084, Florida Statutes. The Application will be amended to reflect the “Statement of Applicant” will now be listed in what is now section 14 of the application.

Also, Section 775.082, Florida Statutes, is added to what is now section 14 of the application.

The language under “penalty of perjury” listed in section 15, the third (3rd) paragraph of the Application is amended and will be listed in what is now section 14 of the application, and will read:

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, ~~and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct.~~ Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my license to practice as an Electrologist in the State of Florida.

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003
 RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.601
 RULE TITLE: Standards for Approval of Continuing Education Courses and Providers

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. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B16-26.601 Standards for Approval of Continuing Education Courses and Providers.

(1) Providers seeking board approval for General Continuing Education courses shall:

(a) Complete the approved application form DOH/MQA/PH109, (Rev. 02/09), entitled Board of Pharmacy Provider Approval application, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or from the website located at <http://www.doh.state.fl.us/mqa/pharmacy> and submit a fee of \$150.00.

(b) Maintain a visible, continuous, and identifiable authority charged with the administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background, education, training and experience.

(c) Meet the standards outlined in subsection (3).

(d) Submit licensee continuing education course completion credits in the electronic continuing education tracking system in accordance with Section 456.025(7), F.S.

(2) Providers seeking approval of a single course or program shall:

(a) Complete the application DOH/MQA/PH111 (Rev. 02/09), entitled Individual Request for Approval of Continuing Education, which is incorporated by reference, and which may

be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or from the website located at <http://www.doh.state.fl.us/mqa/pharmacy>.

(b) Submit a fee of \$50.

(c) Maintain a visible, continuous, and identifiable authority charged with the administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background, education, training and experience.

(d) Meet the standards outlined in subsection (3).

(e) Submit all continuing education offerings to the Tripartite Committee for review and approval at least 45 days in advance of the program of course.

(f) Submit licensee continuing education course completion credits in the electronic continuing education tracking system in accordance with Section 456.025(7), F.S.

(g) All approved continuing education offerings under this section are valid for one biennium.

~~(3)(4) Each continuing education offering shall proposal for program or course approval submitted by a qualified provider must contain a detailed outline of the content of said program or course on forms which will be provided by the Board of Pharmacy upon request, and shall must build upon Standards of Practice and a basic course or courses offered in the curricula of accredited colleges or schools of pharmacy. Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee approved educational methods.~~

~~(2) All offerings shall must meet the following standards:~~

~~(a) Education Content Development.~~

~~1. No change.~~

~~2. Continuing education offerings for pharmacists shall be designed to reflect the educational needs of the pharmacist and build on the standards for practice and courses in the curricula of accredited colleges or schools of pharmacy.~~

~~3. Continuing education offerings for registered pharmacy technicians shall be designed to reflect the educational needs of the pharmacy technician and build on the standards for practice and courses in the curricula of Board-approved training programs for registered pharmacy technicians.~~

~~4.3. No change.~~

~~(b) Methods of Delivery.~~

~~1. No change.~~

~~2. The method of delivery must encourage active participation and involvement on the part of the participant pharmacist.~~

~~(c) Program Faculty Qualifications.~~

~~1. through 3. No change.~~

~~(d) Facilities.~~

~~1. No change.~~

(e) Evaluation. The provider must make provision for evaluation of the participants' attainment of the stated learner objectives through in-process activities that provide a measurable demonstration of the learner's achievement(s).

~~1.2-~~ The provider must develop and employ an evaluation mechanism for the purpose of allowing the participant to assess his/her achievement of personal objectives.

~~2.3-~~ The provider shall develop and employ an evaluation mechanism that will assess the effectiveness of the learning experiences, instructional methods, facilities, and resources used for the offering.

(f) Contact Hour Criteria.

~~1.~~ The number of contact hours or Continuing Education Units (CEU) shall be determined by the provider in advance of the offering subject to approval by the Tripartite Committee and awarded upon the successful completion of the entire planned education experience.

~~2. Providers shall adhere to a uniform quantitative system of measurement for continuing education credit based on the contact hour which is defined as 50-60 minutes of participation or its equivalent. The CEU is defined as 10 contact hours in an organized continuing pharmacy education activity under responsible sponsorship, capable direction and qualified instruction.~~

(g) Record Keeping.

~~1. Records of single course individual offerings shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education offerings as outlined in the rules.~~

~~2. No change.~~

~~3. Records shall be maintained by the provider for a minimum of four (4) three (3)-years.~~

~~(3) Providers seeking board approval shall meet each of the standards outlined herein:~~

~~(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules:~~

~~(b) There shall be a visible, continuous, and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.~~

~~(4) All programs approved by the Accreditation Council on Pharmacy Education (ACPE) are for continuing education for pharmacists may be deemed approved by this Board for general continuing education hours. for pharmacists .~~

~~(5) Entities or individuals who wish to become approved providers of continuing education must submit an initial approval fee of \$150 and provide information to demonstrate compliance with the requirements of this rule. A provider~~

~~seeking to renew approved provider status shall pay a renewal fee of \$150, which shall run concurrent with the pharmacist licensure renewal period. Approved providers will be subject to the audit provided for in Rule 64B16-26.600, F.A.C.~~

~~(6) Entities or individuals applying for approval of an individual program shall submit a fee of \$50, and provide information to demonstrate compliance with this rule.~~

Rulemaking Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.009 FS. History—New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended 1-29-03, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-21.003
 RULE TITLE: Filing an Appeal

NOTICE OF PUBLIC HEARING

The Reemployment Assistance Appeals Commission announces a corrected hearing regarding the above rule, as noticed in Vol. 38, No. 29, July 20, 2012 Florida Administrative Weekly.

DATE AND TIME: A hearing will be held July 31, 2012 at 10:00 a.m. as noticed in Vol. 38, No. 29, July 20, 2012, FAW. An additional hearing will be held on this proposed rule, if requested within 21 days of the date of the Notice of Proposed Rule for Rule 73B-21.003, F.A.C., published in Vol. 38, No. 29, July 20, 2012.

PLACE: For July 31, 2012 hearing: Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed rule amendments to Rule 73B-21.003, F.A.C., published in Vol. 38, No. 29, July 20, 2012 Florida Administrative Weekly.

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: Dorothy Johnson, Deputy General Counsel, Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: 73C-49.002
 RULE TITLE: Schedule

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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

73C-49.002 Schedule.

Local governing bodies shall submit their evaluation and appraisal notification letter to the Department of Economic Opportunity, Bureau of Community Planning, Caldwell Building, 107 East Madison Street, MSC #160, Tallahassee, FL 32399-6545, Attention Plan Processing Unit, in accordance with the schedule set forth below, and on the same day and month every seven years thereafter (for those local governments with a due date prior to the effective date of this rule, the evaluation and appraisal notification letter shall be due no later than October 1, 2012):

LOCAL	NOTIFICATION
GOVERNMENT	DUE DATE

No change.

Rulemaking Authority 163.3191(1), 163.3191(5) FS. Law Implemented 163.3191 FS. History—New _____.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12AER12-04
 RULE TITLE: Sales of Clothing and School Supplies During the Period August 3 through August 5, 2012

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 25, Chapter 2012-32, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain clothing, and school supplies are exempt from sales and use tax. The law provides that conditions necessary for an emergency rule have been met. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means regarding the exemption during the period from 12:01 a.m., August 3, 2012, through 11:59 p.m., August 5, 2012, for sales of clothing, wallets, or bags having a selling price of \$75 or less per item and for sales of school supplies having a selling price of \$15 per item or less. The exemption does not apply to sales within a theme park or entertainment complex as defined

in Section 509.013(9), F.S., or within a public lodging establishment as defined in Section 509.013(4), F.S., or within an airport as defined in Section 330.27(2), F.S. The rule defines "clothing," "school supplies," "theme park or entertainment complex," "public lodging establishment," "airport" and "mail order sales." The rule describes the items that are included in the exemption and explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, items normally sold as a unit, mail order sales, shipping and handling charges, layaway sales, rain checks, exchanges, refunds, coupons, rebates, and discounts, repairs and alterations, gift certificates, rentals of clothing, reporting requirements, documentation to be maintained, and merchant's license fees. The rule provides a list of items and their taxable status during the exemption period for clothing and school supplies.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Section 25, Chapter 2012-32, Laws of Florida, which specify a period during which the sale of certain clothing and school supplies are exempt from sales and use tax. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Section 25, Chapter 2012-32, Laws of Florida.

SUMMARY: Emergency Rule 12AER12-04 notifies the general public and retailers of the exemption during the period from 12:01 a.m., August 3, 2012 through 11:59 p.m., August 5, 2012, for sales of clothing, wallets, or bags having a selling price of \$75 or less per item and for sales of school supplies having a selling price of \$15 per item or less.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6777

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER12-04 Sales of Clothing and School Supplies During the Period August 3 through August 5, 2012.

(1) Clothing Sales.

(a) Beginning at 12:01 a.m. on August 3, 2012, and ending at 11:59 p.m. on August 5, 2012 (the exemption period), no tax is due on the sale or purchase of any article of clothing, wallet, or bag, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$75.00 or less per item. This exemption does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of clothing, wallet, or bag, selling for \$75.00 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$40.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$80.00) exceeds \$75.00.

(c)1. The exemption does not apply to the first \$75.00 of price of an eligible item of clothing, wallet, or bag, selling for more than \$75.00.

2. Example: A customer purchases a pair of pants costing \$79.95. Tax is due on the entire \$79.95.

(2) Exempt Sales of School Supplies.

(a) Beginning at 12:01 a.m. on August 3, 2012, and ending at 11:59 p.m. on August 5, 2012 (the exemption period), no tax is due on the sale or purchase of any item of school supplies with a selling price of \$15.00 or less per item. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$15.00 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases ten composition books for \$2.50 each. All ten items will qualify for the exemption, even though the customer's total purchase price (\$25.00) exceeds \$15.00.

(c)1. The exemption does not apply to the first \$15.00 of price of an eligible item of school supplies selling for more than \$15.00.

2. Example: A customer purchases a calculator costing \$18.00. Tax is due on the entire \$18.00.

(3) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "School supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue, paste, rulers, computer disks, protractors, compasses, and calculators.

(c) "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of one million visitors annually.

(d)1. "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more

than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in Section 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in Section 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Family Services or other similar place regulated under Section 381.0072, F.S.;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under Sections 381.008-.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by Chapter 513, F.S.

(e) "Airport" means an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including accessory or relative areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use.

(f) "Mail order sale" is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(4) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(c) Example: A desk set consisting of a stapler and a pair of scissors is sold for a single price of \$9.95. Although the scissors would otherwise be exempt during the exemption period, the full price of the desk set is taxable because the stapler is taxable.

(5) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$80.00. The pair of shoes cannot be split in order to sell each shoe for \$40.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$75.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$75.00 or less.

(d) Example: A pen and pencil set is normally priced at \$18.00 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$15.00 or less in order to qualify for the exemption.

(6) Buy One, Get One Free or for a Reduced Price.

(a) The total price of items advertised as "buy one, get one free," or "buy one, get one for a reduced price," cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as "buy one, get one free." The first pair of pants is priced at \$80.00; the second pair of pants is free. Tax is due on \$80.00. The store cannot sell each pair of pants for \$40.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$80.00 pants for \$40.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as "buy one pair at the regular price, get a second pair for half price." The first pair of shoes is sold for \$80.00; the second pair is sold for \$40.00 (half price). Tax is due on the \$80.00 shoes, but not on the \$40.00 shoes. The store cannot sell each pair of shoes for \$60.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pairs for 25% off, thereby selling each pair of \$80.00 shoes for \$60.00, making each pair eligible for the exemption.

(7) Mail Order Sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for

immediate shipment. When the acceptance of the order by the mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an "in date" stamp on a mail order, assigning an "order number" to a telephone order, or confirming an Internet order by e-mail message.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(8) Shipping and Handling Charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, to determine if any items qualify for the exemption, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice.

(b) Example 1: A customer orders a jacket for \$75.00. The shipping charge to deliver the jacket to the customer is \$5.00. The selling price of the jacket is \$80.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$340 = 88\%$; therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately identified on the invoice as such. The remaining 12% of the \$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

Suit	\$300.00
Shipping for suit	13.20
Shirt	40.00
Shipping for shirt	1.80

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$70.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$370 = 81\%$. Therefore, 81% of the \$50.00 shipping charge, or \$40.50, must be allocated to the suit, and separately identified on the invoice as such. The remaining 19% of the \$50.00 shipping charge, or \$9.50, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$70.00 plus \$9.50, totaling \$79.50. Since the selling price of the shirt exceeds \$75.00, the purchase of the shirt is taxable.

Suit	\$300.00
Shipping for suit	40.50
Shirt	70.00
Shipping for shirt	9.50

(9) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period.

(a) For purposes of this exemption, eligible items will qualify for the exemption if:

1. A retailer and a customer enter into a contract for a layaway sale for an exempt item during the exemption period;
2. The customer makes the usual deposit in accordance with the retailer's layaway policy;
3. The merchandise [exempt item(s)] is segregated from the retailer's inventory; and
4. The final payment is made during or after the exemption period.

(b) If final payment on a layaway order is made by and the merchandise is given to the customer during the exemption period, that sale of eligible items will qualify for the exemption, even when the qualified items were placed on layaway before the exemption period.

(10) Rain checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(11) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases a \$75.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$75.00 dress for a \$100.00 dress. Tax is due on the \$100.00 dress. The \$75.00 credit from the returned item cannot be used to reduce the sales price of the \$100.00 item to \$25.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

3. A customer purchases notebook filler paper for \$3.95 during the exemption period. Later during the exemption period, the customer exchanges the notebook filler paper for note pads costing the same amount. Tax is due on the note pads, because they are not eligible for the exemption.

(12) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period August 3, 2012 through October 31, 2012, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

(13) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of an item of clothing to \$75.00 or less, or a school supply item to \$15.00 or less, in order to qualify for the exemption.

2. Example: A jacket sells for \$85.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$85.00, even though the customer only pays the retailer \$75.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item to \$75.00 or less, or of a school supply item to \$15.00 or less, in order to qualify for the exemption.

2. Example: A customer buys a \$400.00 suit and a \$80.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360.00, and the sales price of the shirt is \$72.00. The suit is taxable (its price is over \$75.00), and the shirt is exempt (its price is less than \$75.00).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$85.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$85.00.

(14) Repairs and Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$75.00 and pays \$5.00 to the retailer to have the pants cuffed. The \$75.00 charge for the pants is exempt; however, tax is due on the \$5.00 alterations charge.

(15) Gift Certificates.

(a) Eligible items purchased during the exemption period using a gift certificate will qualify for the exemption, regardless of when the gift certificate was purchased. Eligible items purchased after the exemption period using a gift certificate are taxable, even if the gift certificate was purchased during the exemption period. A gift certificate cannot be used to reduce the selling price of an item of clothing to \$75.00 or less, or of a school supply item to \$15.00 or less, in order for the item to qualify for the exemption.

(b) Example: A customer purchases a dress priced at \$90.00 and uses a \$50.00 gift certificate. Tax is due on \$90.00. The gift certificate does not reduce the selling price to \$40.00 for purposes of the exemption.

(16) Rentals. Rentals of clothing, or footwear do not qualify for the exemption.

(17) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(18) Record Retention and Documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(19) License Fees or Other Fees imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item, whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$74.95. The separately stated 1% gross receipts fee for this item is \$0.75. Since the gross receipts fee is part of the sales price of the item (\$75.70), the jacket will not qualify for the exemption.

(20) List of Items of Clothing and Their Taxable Status During the Exemption Period. The following is a list of items of clothing and their taxable status during the exemption period, if they are sold for \$75.00 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Barrettes and bobby pins
- E Belt buckles
- E Bow ties
- E Hair nets, bows, clips, and bands
- E Handbags
- T Handkerchiefs

T	<u>Jewelry</u>	E	<u>Costumes</u>
T	<u>Key cases</u>	E	<u>Coveralls</u>
E	<u>Neckwear</u>	T	<u>Crib blankets</u>
E	<u>Ponytail holders</u>		
E	<u>Scarves</u>	D	
E	<u>Ties</u>	E	<u>Diaper bags</u>
E	<u>Wallets</u>	E	<u>Diapers, diaper inserts (adult and baby, cloth or disposable)</u>
T	<u>Watch bands</u>	T	<u>Diving suits (wet and dry)</u>
T	<u>Watches</u>	E	<u>Dresses</u>
E	<u>Aerobic/Fitness clothing</u>	T	<u>Duffel bags</u>
E	<u>Aprons/Clothing shields</u>		
T	<u>Athletic gloves</u>	E	
T	<u>Athletic pads</u>	T	<u>Elbow pads</u>
E	<u>Athletic supporters</u>	E	<u>Employee uniforms</u>
B		F	
E	<u>Baby clothes</u>	E	<u>Fanny packs</u>
E	<u>Backpacks</u>	T	<u>Fins</u>
E	<u>Bandanas</u>	T	<u>Fishing boots (waders)</u>
E	<u>Baseball cleats</u>	E	<u>Fishing vests (nonflotation)</u>
E	<u>Bathing suits, caps, and cover-ups</u>	T	<u>Football pads</u>
E	<u>Belt buckles</u>	E	<u>Formal clothing (purchased)</u>
E	<u>Belts</u>	T	<u>Formal clothing (rented)</u>
T	<u>Belts for weightlifting</u>		
E	<u>Bibs</u>		
E	<u>Blouses</u>	G	
E	<u>Book bags</u>	T	<u>Garment bags</u>
E	<u>Boots (except ski boots)</u>	E	<u>Gloves (generally)</u>
E	<u>Bowling shoes (purchased)</u>	T	<u>Baseball</u>
T	<u>Bowling shoes (rented)</u>	T	<u>Batting</u>
E	<u>Bow ties</u>	T	<u>Bicycle</u>
E	<u>*Braces and supports worn to correct or alleviate a physical incapacity or injury</u>	E	<u>Dress (purchased)</u>
E	<u>Bras</u>	E	<u>Garden</u>
T	<u>Briefcases</u>	T	<u>Golf</u>
		T	<u>Hockey</u>
		E	<u>Leather</u>
		T	<u>Rubber</u>
C		T	<u>Surgical</u>
E	<u>Caps and hats</u>	T	<u>Tennis</u>
T	<u>Checkbook covers (separate from wallets)</u>	E	<u>Work</u>
T	<u>Chest protectors</u>	T	<u>Goggles (except *prescription)</u>
E	<u>*Choir and altar clothing</u>	E	<u>Graduation caps and gowns</u>
E	<u>Cleated and spiked shoes</u>	E	<u>Gym suits and uniforms</u>
E	<u>*Clerical vestments</u>		
T	<u>Cloth and lace, knitting yarns, and other fabrics</u>		
T	<u>Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers</u>	H	
E	<u>Coats and wraps</u>	E	<u>Hair nets, bows, clips, and bands</u>
E	<u>Coin purses</u>	E	<u>Handbags and purses</u>
T	<u>Corsages and boutonnières</u>	T	<u>Handkerchiefs</u>
T	<u>Cosmetic bags</u>	T	<u>Hard hats</u>
		E	<u>Hats</u>

T	<u>Helmets (bike, baseball, football, hockey, motorcycle, sports)</u>	T	<u>Roller skates</u>
E	<u>Hosiery, including support hosiery</u>	S	
E	<u>Hunting vests</u>	E	<u>Safety clothing</u>
I - J		T	<u>Safety glasses (except *prescription)</u>
T	<u>Ice skates</u>	E	<u>Safety shoes</u>
T	<u>In-line skates</u>	E	<u>Scarves</u>
E	<u>Insoles</u>	E	<u>Scout uniforms</u>
E	<u>Jackets</u>	T	<u>Shaving kits/bags</u>
E	<u>Jeans</u>	E	<u>Shawls and wraps</u>
T	<u>Jewelry</u>	T	<u>Shin guards and padding</u>
K		E	<u>Shirts</u>
T	<u>Key chains</u>	E	<u>Shoe inserts</u>
T	<u>Knee pads</u>	E	<u>Shoes (including athletic)</u>
L		E	<u>Shoulder pads (for dresses, jackets, etc.)</u>
E	<u>Lab coats</u>	T	<u>Shoulder pads (football, hockey, sports)</u>
E	<u>Leg warmers</u>	E	<u>Shorts</u>
E	<u>Leotards and tights</u>	T	<u>Skates (ice, in-line, roller)</u>
T	<u>Life jackets and vests</u>	T	<u>Ski boots (snow)</u>
E	<u>Lingerie</u>	T	<u>Ski vests (water)</u>
T	<u>Luggage</u>	E	<u>Ski suits (snow)</u>
M - N		T	<u>Skin diving suits</u>
T	<u>Make-up bags</u>	E	<u>Skirts</u>
E	<u>Martial arts attire</u>	E	<u>Sleepwear, nightgowns, pajamas</u>
E	<u>Neckwear and ties</u>	E	<u>Slippers</u>
O - P		E	<u>Slips</u>
E	<u>Overshoes and rubber shoes</u>	E	<u>Socks</u>
T	<u>Pads (football, hockey, soccer, elbow, knee, shoulder)</u>	T	<u>Sports helmets</u>
T	<u>Paint or dust masks</u>	T	<u>Sports pads (football, hockey, soccer, knee, elbow, shoulder)</u>
E	<u>Pants</u>	E	<u>Sports uniforms (except pads, helmets)</u>
E	<u>Panty hose</u>	T	<u>Suitcases</u>
T	<u>Patterns</u>	E	<u>Suits, slacks, and jackets</u>
T	<u>Protective masks (athletic)</u>	T	<u>Sunglasses (except *prescription)</u>
E	<u>Purses</u>	E	<u>Suspenders</u>
R		E	<u>Sweatbands</u>
E	<u>Raincoats, rain hats, and ponchos</u>	E	<u>Sweaters</u>
E	<u>Receiving blankets</u>	T	<u>Swimming masks</u>
E	<u>*Religious clothing</u>	E	<u>Swim suits and trunks</u>
T	<u>Rented clothing (including uniforms, formal wear, and costumes)</u>	T	
T	<u>Repair of wearing apparel</u>	E	<u>Ties (neckties - all)</u>
E	<u>Robes</u>	E	<u>Tights</u>
T	<u>Roller blades</u>	E	<u>Tuxedos (excluding rentals)</u>
		U	
		T	<u>Umbrellas</u>
		E	<u>Underclothes</u>
		E	<u>Uniforms (work, school, and athletic – excluding pads)</u>

V - W

- E Vests
- E Vintage clothing
- E Wallets
- T Watchbands
- T Water ski vests
- T Weight lifting belts
- T Wet and dry diving suits
- T Wigs, toupees, and chignons
- E Work clothes and uniforms

* These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

(21) List of School Supplies and Their Taxable Status During the Exemption Period. The following is a list of school supplies and their taxable status during the exemption period if they are sold for \$15.00 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

- E Binders
- E Calculators
- E Cellophane (transparent) tape
- E Colored pencils
- E Compasses
- E Composition books
- E Computer disks (blank CDs only)
- T Computer paper
- E Construction paper
- T Correction tape, fluid, or pens
- E Crayons
- E Erasers
- E Folders
- E Glue (stick & liquid)
- E Highlighters
- T Jump drives and flash drives
- E Legal pads
- E Lunch boxes
- E Markers
- T Masking tape
- E Notebook filler paper
- E Notebooks
- E Paste
- E Pencils, including mechanical and refills
- E Pens, including felt, ballpoint, fountain, highlighters, and refills
- E Poster board
- E Poster paper
- T Printer paper
- E Protractors

- E Rulers
- E Scissors
- T Staplers
- T Staples
- T Toner and ink cartridges

This rule shall take effect on August 2, 2012.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), (2) FS., Section 25, Chapter 2012-32, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4), (9) FS., Chapter 2012-32, L.O.F. History—New 8-2-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 2, 2012

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12CER12-05	Adjustments for Excess Section 179 Expense and Special Bonus Depreciation

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-229, Laws of Florida, authorizes the Department of Revenue to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Chapter 2011-229, Laws of Florida, retroactively makes changes related to bonus depreciation and section 179 expense of the Internal Revenue Code (I.R.C.). As a result of these changes, contained in Section 220.13(1)(e), F.S., taxpayers may need to file amended returns. This emergency rule establishes procedures for reporting the additions and claiming the subtractions required by Section 220.13(1)(e), F.S., and provides procedures for filing amended Florida corporate income tax return(s).

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2011-229, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. The law is retroactive, and as a result, some taxpayers need to amend their Florida corporate income tax return(s) if a return(s) affected by these changes was previously filed. This emergency rule establishes procedures for reporting additions and claiming the subtractions required by Section 220.13(1)(e), F.S., so that taxpayers may timely file the required amended returns.

SUMMARY: Emergency Rule 12CER12-05, F.A.C. (Adjustments for Excess Section 179 Expense and Special Bonus Depreciation), provides procedures for taxpayers

subject to the adjustments contained in Section 220.13(1)(e), F.S., for I.R.C. section 179 expense in excess of: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011) and bonus depreciation under I.R.C. sections 167 and 168(k). This emergency rule: (1) provides the additions that taxpayers are required to add back to the amount of the federal deduction claimed under I.R.C. sections 167 and 168(k) for bonus depreciation and under I.R.C. section 179 that exceeds: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011); (2) provides the subtractions that are available in each of seven tax years beginning with the year an addition is made under Section 220.13(1)(e), F.S.; (3) requires taxpayers to maintain a schedule reflecting all adjustments made under Section 220.13(1)(e), F.S.; (4) provides that these adjustments do not affect the basis of the property; and (5) provides when the subtractions under Section 220.13(1)(e), F.S., and when the deductions allowed under I.R.C. section 179 are not required to be included in a taxpayer's Florida corporate income tax return.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476

THE FULL TEXT OF THE EMERGENCY RULE IS:

12CER12-05 Adjustments for Excess Section 179 Expense and Special Bonus Depreciation.

(1) Scope. This rule only applies to taxpayers subject to the adjustments contained in Section 220.13(1)(e), F.S., for IRC section 179 expense in excess of \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011) and bonus depreciation under IRC sections 167 and 168(k).

(2) Additions Required:

(a)1. For tax years that begin in 2010, taxpayers are required to add back the amount of the federal deduction claimed under section 179 of the Internal Revenue Code ("IRC") that exceeds \$250,000. All amounts in excess of \$250,000 are required to be added back, including amounts carried over from previous tax years under IRC section 179(b)(3)(B). The increased overall investment limitation contained in IRC section 179(b)(2) is the same for Florida as it is for federal income tax purposes.

2. For tax years that begin in 2011 and 2012, taxpayers are required to add back the amount of the federal deduction claimed under section 179 of the Internal Revenue Code ("IRC") that exceeds \$128,000. All amounts in excess of \$128,000 are required to be added back, including amounts carried over from previous tax years under IRC section

179(b)(3)(B). The increased overall investment limitation contained in IRC section 179(b)(2) is the same for Florida as it is for federal income tax purposes.

(b) Taxpayers are required to add back the amount of the federal deduction claimed as bonus depreciation under IRC sections 167 and 168(k) for assets placed in service after December 31, 2009, and before January 1, 2013.

(3) Subtractions Allowed:

(a) In each of the seven tax years commencing with the year the addition is made under Section 220.13(1)(e), F.S., taxpayers may subtract one-seventh of the amount of excess IRC section 179 expense and one-seventh of the amount of bonus depreciation that is added back under Section 220.13(1)(e), F.S.

(b) The total amount that may be subtracted over the seven-year period should equal, but may not exceed, the amounts of IRC section 179 expense and bonus depreciation that have been added back to Florida taxable income under Section 220.13(1)(e), F.S.

(c) Subtractions may be transferred to the surviving company in a merger or acquisition. Otherwise, if a taxpayer ceases to do business during the seven-year period, it may not accelerate, transfer or otherwise utilize a subtraction.

(4) A schedule reflecting all of the adjustments made under Section 220.13(1)(e), F.S., must be created and maintained. Taxpayers must also report any additions on Schedule I, Additions and/or Adjustments to Federal Taxable Income, of the Florida Corporate Income/Franchise and Emergency Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) and any subtractions on Schedule II, Subtractions from Federal Taxable Income, of the return for the applicable tax year. Partnerships filing a Florida Partnership Information Return (Form F-1065, incorporated by reference in Rule 12C-1.051, F.A.C.) are required to make the adjustments required by Section 220.13(1)(e), F.S., on Part I of Form F-1065.

(5) Basis of Property: The adjustments required by Section 220.13(1)(e)1. and 2., F.S., (relating to excess IRC section 179 expense and bonus depreciation), do not affect the basis of the underlying property. The basis of the property for Florida corporate income tax purposes is the same as the basis of the property for federal income tax purposes. If the property is sold or otherwise disposed of, the gain or loss for Florida corporate income tax purposes is the same as the gain or loss for federal income tax purposes and is included in federal taxable income apportioned to Florida. Differences in the apportionment fraction from one year to the next are disregarded. The applicable depreciation conventions, methods, and recovery periods are computed in the same manner as they are computed in determining federal taxable income.

(6) Amended Returns and Section 220.13(1)(e), F.S. Taxpayers that filed their Florida corporate income tax returns in a manner inconsistent with these changes in law are required

to amend their Florida corporate income tax return(s) to conform to the new law. To the extent that any tax is due and paid on an amended return(s) as a result of these changes in law for the differences between the additions and subtractions required by Section 220.13(1)(e), F.S., and the adjustments required by Section 220.13(1)(e), F.S., reasonable cause exists under Rule 12-13.007, F.A.C., for a waiver of the resulting penalty. The provisions of this rule do not relieve a taxpayer of its obligation to file a Florida corporate income tax return and report the adjustments required by Section 220.13(1)(e), F.S.

(7) The subtractions allowed by Section 220.13(1)(e), F.S., are the means by which the additions required by Section 220.13(1)(e), F.S., are reconciled and recovered. If a taxpayer does not claim a deduction for bonus depreciation or a deduction for IRC section 179 expense in excess of \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011), no add-back is required or subtraction allowed for Florida corporate income tax purposes. Similarly, if a taxpayer did not add back bonus depreciation or excess section 179 expense because, for example, it was not subject to the Florida corporate income tax in that year, no subtraction is allowed for Florida corporate income tax purposes.

(8) Bonus depreciation claimed for assets placed in service after December 31, 2012, is not required to be added back under Section 220.13(1)(e), F.S. IRC section 179 expense claimed in tax years beginning after December 31, 2012, is not required to be added back. No subtraction is allowed for bonus depreciation or IRC section 179 expense unless it has been added back in computing Florida taxable income under Section 220.13(1)(e), F.S.

Rulemaking Authority s. 4, Ch. 2011-229, L.O.F. Law Implemented Ch. 2011-229, L.O.F. History—New 7-18-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: July 18, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER12-54: Replacement of Obsolete Emergency Rules

SUMMARY: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-54 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games, promotions or retailer programs are being replaced because the games, promotions or programs have concluded, or the provisions of the rule are obsolete. This rule shall replace the following rules: 53ER09-31, 53ER09-33, 53ER09-42, 53ER09-43, 53ER10-10, 53ER10-26, 53ER10-65, 53ER11-4, 53ER11-6, 53ER11-9, 53ER11-22, 53ER12-28 F.A.C.

Rulemaking Authority 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 7-13-12. Replaces 53ER09-31, 53ER09-33, 53ER09-42, 53ER09-43, 53ER10-10, 53ER10-26, 53ER10-65, 53ER11-4, 53ER11-6, 53ER11-9, 53ER11-22, 53ER12-28 F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 13, 2012

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

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (District) hereby gives notice on July 12, 2012, the District’s Governing Board issued SFWMD Order No.: 2012-074-DAO-ROW to Florida Department of Transportation (Application No. 12-0503-1M). The petition for waiver was received by the District on May 3, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 21, on May 25, 2012. No public comment was received. This Order provides a waiver of the District’s criteria to allow for the installation of two single arm signal poles within the north right of way of C-51 Canal at the northwest quadrant of the Jog Road bridge; Section 3, Township 44 South, Range 42 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the District’s current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406-4680, (561)682-6268, by email: jurussel@sfwmd.gov.

The South Florida Water Management District (District) hereby gives notice on July 12, 2012, the District's Governing Board issued SFWMD Order No. 2012-075-DAO-ROW to Patrick and Alicia Curry (Application No. 00-0627-4M). The petition for waiver was received by the District on June 27, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 28, on July 14, 2000. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing fence enclosure with existing landscape inside the fenced area to remain within the west right of way of C-100C Canal at the rear of 11705 S.W. 99th Court, Miami; Section 8, Township 55 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the existing fence enclosure aligns with existing, previously-authorized fences and will not interfere with the District's operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406-4680, (561)682-6268, by email: jurussel@sfwmd.gov.

The South Florida Water Management District (District) hereby gives notice on July 12, 2012, the District's Governing Board issued SFWMD Order No. 2012-076-DAO-ROW to Florida Department of Transportation (Application No. 12-0426-2M). The petition for waiver was received by the District on May 2, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 19, on May 11, 2012. No public comment was received. This Order provides a waiver of the District's criteria to allow for the replacement of an existing guardrail with traffic barrier and new guardrail within the east right of way of L-20 at the existing S.R. 80 bridge; Section 14, Township 44 South, Range 36 East, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the

District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and within the District's designated 100' long equipment staging areas located at all bridge and pile-supported utility crossings within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406-4680, (561)682-6268, by email: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on July 11, 2012, the South Florida Water Management District (District), received a petition for waiver from George Abraham for a Right of Way Occupancy Permit, Application No. 12-0507-3, for utilization of Works or Lands of the District known as the C-14 Canal for an existing seawall with dock and a proposed dock extension within the north right of way of the C-14 Canal located adjacent to 930 S.E. 5th Terrace, Pompano Beach; Section 1, Township 49 South, Range 42 East, Broward County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which requires a minimum low member elevation for docks.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell, (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC #1414, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from St. Paul Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida

Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-169).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Amherst Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-165).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Carr Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-166).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Palmetto Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-168).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Lexington Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-181).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Hollister Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida

Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-174).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Langley Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-180).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Independence Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-175).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Forrestal Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-167).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Bennington Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-178).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Chandler Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida

Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-171).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Tedder Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-170).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 15, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Porterfield Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-176).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Enterprise Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-173).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 15, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Saratoga Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-177).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Division issued an order. The Final Order was in response to a Petition for a Variance from Commodore Building, filed June 4, 2012, and advertised in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida

Administrative Code, that requires upgrading the elevators door restrictors until December 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-172).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Lakewood Mid-Rise Condo. Assoc., filed June 13, 2012, and advertised in Vol. 38, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, and 2.7.4, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and door restrictors because of the time to install and no means of meeting intent of code, the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-192).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN that on July 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Winter Haven Harbour Condominium. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators keyed lock stop in cab, toe guard and machine room door which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-223).

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

NOTICE IS HEREBY GIVEN that on July 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Rood Legal Building. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.6.5.8, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators safety bulkhead which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-224).

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

NOTICE IS HEREBY GIVEN that on July 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Steiner Stone, LLC. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-225).

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

NOTICE IS HEREBY GIVEN that on July 13, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Spring Lake Towers Management. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with toe guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-226).

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

NOTICE IS HEREBY GIVEN that on July 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Shalimar Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-227).

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

NOTICE IS HEREBY GIVEN that on July 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Vero Towers. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, 3.3.2, 3.10.4(q), and 3.10.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations, platform guards, cartop operating devices, and normal terminal stopping devices, which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-228).

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

NOTICE IS HEREBY GIVEN that on July 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Venetian of Treasure Island. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.7.3, 2.12.6.1 and FBC rule 3006.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators access to machine room, hoistway door unlocking device and lobby egress which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-230).

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

NOTICE IS HEREBY GIVEN that on July 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Breakers Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 303.3d, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators shut off valve be located within the machine room which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-229).

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

NOTICE IS HEREBY GIVEN that on July 11, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 5000 Town Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm and circular elastomeric coated steel suspension members which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-220).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on July 16, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lafayette Building. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.6.5.8, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators safety bulkhead which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-232).

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

NOTICE IS HEREBY GIVEN that on July 17, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Chico's Bldg. 10 (G5782). Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18, 2.20, 2.19.2.2(4)(a), and 2.15.9.2(a), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by Chapter 61C, F.A.C., platform guards, speed governors, car movement, and suspension ropes which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-233).

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

NOTICE IS HEREBY GIVEN that on July 17, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Chico's Bldg. 10 (G5783). Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18, 2.20, 2.19.2.2(4)(a), and 2.15.9.2(a), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by Chapter 61C, F.A.C., platform guards, speed governors, car movement, and suspension ropes which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-234).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on July 16, 2012, the Department received a letter withdrawing the Petition for variance from Surf Dweller, filed July 11, 2012. The Petition for variance requested a variance from an unspecified Section of ASME A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW 2012-219).

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on June 25, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code, and subsection 61C-4.010(5), Florida Administrative Code, from Pelican Marsh Golf Club Snack Bar located in Naples, FL. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to share the mop and three-compartment sinks located within Pelican Marsh Golf Club main kitchen (SEA2102324).

The Petition for this variance was published in Vol. 38, No. 27 on July 6, 2012. The Order for this Petition was signed on July 12, 2012, and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the dishwashing and mop sink areas located within Pelican Marsh Golf Club main kitchen (SEA2102324) are maintained in a clean and sanitary manner, provided with hot and cold running water under pressure, and available during all hours of operation. If the ownership of Pelican Marsh Golf Club main kitchen (SEA2102324) changes, an updated written agreement must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN that on July 12, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, Section 5-203.13, 2001 FDA Food Code, paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Wild Greens Cafe located in Tallahassee, FL. The above referenced F.A.C. addresses that each establishment must have at least one accessible bathroom

for use by customers and employees, at least one service sink for the cleaning of mops or similar cleaning tools and the disposal of mop water and dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to share bathroom, mop sink and warewashing areas located within Bread and Roses Food Cooperative (Firm #339678).

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN that on June 26, 2012, the Florida Real Estate Appraisal Board, received a petition for a permanent waiver or variance of subsection 61J1-4.007(5), F.A.C., filed by Elizabet Velez, in regards to the hour requirements for continuing education.

Comments on this petition should be filed with the Florida Real Estate Appraisal Board, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on July 17, 2012, the Department of Environmental Protection, received a petition for a variance from paragraphs 62-342.700(1)(a), (2), (3) and (4), F.A.C., from CRP/HLV Highlands Ranch, LLC, to waive the requirement that it provide proof of financial responsibility for the construction and implementation phase of a proposed mitigation bank and the release of mitigation credits. The petition has been assigned OGC File No.: 12-1338. Any interested person or other agency may submit written comments on the petition with 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mary VanTassel, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: Mary.VanTassel@dep.state.fl.us or Facsimile: (850)245-8499.

The Department of Environmental Protection Northwest District Office hereby gives notice that on June 21, 2012, the Department issued an order granting a variance to the Talquin

Electric Cooperative (Petitioner). The petition was received on April 19, 2012, and the notice of receipt of this petition was published in the Florida Administrative Weekly on May 18, 2012. The petition requested a variance from subsection 62-610.521(6), F.A.C. Subsection 62-610.521(6), F.A.C., requires a setback distance of 100 feet from a rapid infiltration basin to the property boundary. The petitioner seeks relief from the 100' ft. setback distance from the edge of their Lake Jackson WWTP southern most rapid infiltration basin (RIB) to the site property line. A survey of the site has identified that the closest distance from the property line to the edge of the RIB is measured at 70' feet. The petitioner is requesting a permanent variance to reduce the setback from 100 feet to a minimum of 70' feet. No public comment was received. The Order, file number FLA010171-008-DWF/VO [OGC Case No.: 12-1045], granted the Petition from the minimum 100-foot setback requirement to the Petitioner, based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Department of Environmental Protection, Northwest District, Jonathan May, 160 W. Governmental Street, Suite 308, Pensacola, FL 32502-5794, (850)595-0609, jonathan.may@dep.state.fl.us.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that on July 13, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed on behalf of Ariadna Montero Psy.D., on May 3, 2012, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the requirements of the rule regarding appropriate supervised experience. The Notice was published in Vol. 38, No. 21, of the Florida Administrative Weekly, on May 25, 2012. The Board, at its meeting held on June 22, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

The Board of Psychology hereby gives notice that on July 13, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed on behalf of Miladys N. Rivera Ph.D., on May 22, 2012, seeking a waiver or variance from Rule 64B19-11.005, F.A.C., with regard to the requirement that all applicants for licensure complete at least 2,000 hours of post doctoral experience under

a supervisor whose supervision comports with the rule. The Notice was published in Vol. 38, No. 23, of the Florida Administrative Weekly, on June 8, 2012. The Board, at its meeting held on June 22, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Bureau of Historic Preservation**, and the **Florida Historical Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 15, 2012, 9:00 a.m. – Conclusion
PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public review and ranking of the 2014 Viva Florida Small Matching (Acquisition and Development) Historic Preservation Grant applications.

A copy of the agenda may be obtained by contacting: Bureau of Historic Preservation Grants Staff, 1(800)847-7278, via email: bhpgrants@dos.myflorida.com or by visiting the web site: www.flheritage.com/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 3 days before the workshop/meeting by contacting: Bureau of Historic Preservation, Grants Staff 1(800)847-7278, via email: bhpgrants@dos.myflorida.com or by visiting the web site: www.flheritage.com/grants. 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: Bureau of Historic Preservation, Grants Staff, 1(800)847-7278, via email: bhpgrants@dos.myflorida.com or by visiting the web site: www.flheritage.com/grants.

The **Bureau of Historic Preservation**, and the **Florida Historical Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 16, 2012, 9:00 a.m. – Conclusion
PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public review and ranking of the 2014 VIVA Florida Small Matching (Protection and Education) Historic Preservation Grant applications.

A copy of the agenda may be obtained by contacting: Bureau of Historic Preservation, Grants Staff, 1(800)847-7278, via email: bhpgrants@dos.myflorida.com or by visiting the website: www.flheritage.com/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 3 days before the workshop/meeting by contacting: Bureau of Historic Preservation, Grants Staff, 1(800)847-7278, email: bhpgrants@dos.myflorida.com or by visiting website: www.flheritage.com/grants. 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: Bureau of Historic Preservation, Grants Staff, 1(800)847-7278, via email: bhpgrants@dos.myflorida.com or by visiting the website: www.flheritage.com/grants.

The **Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 9:00 a.m.
PLACE: Polk County Health Department Lake Wales Clinic, 835 W. Central Avenue, Lake Wales, Florida 33853-4017, (863)678-4144, ext. 20031

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee of the new Polk County Health Department in Haines City will meet to evaluate submissions and select artwork or artist finalists.

A copy of the agenda may be obtained by contacting: Lee Modica, 500 S. Bronough St., Tallahassee FL 32399-0250, (850)245-5445.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Maureen McKloski, (850)245-6475. 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.

The **Division of Cultural Affairs and Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: August 9, 2012, 10:00 a.m.

PLACE: This meeting will take place via teleconference. For instructions on participating please visit: www.florida-arts.org

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, (850)245-6470 or Morgan.Lewis@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Maureen McKloski, (850)245-6470 or email: Maureen.McKloski@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: Morgan Lewis, Division of Cultural Affairs, (850)245-6470 or email: Morgan.Lewis@dos.myflorida.com.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee Meeting.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Budget Committee Meeting.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Florida Commission on the Status of Women** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 11:00 a.m. – 12:00 Noon

PLACE: Please Call: (850)414-3300, for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131. 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, August 9, 2012, 1:00 p.m. – 4:00 p.m.; Friday, August 10, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Ritz-Carlton Sarasota, 1111 Ritz-Carlton Drive, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom board of director will hold its Annual Board Retreat.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla, email: gaskalla@ufl.edu.

The **Florida Agricultural Museum** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 14, 2012, 1:00 p.m.

PLACE: Florida Agricultural Museum, 7900 Old Kings Road, Palm Coast, Florida 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting to discuss general board business.

A copy of the agenda may be obtained by contacting: Bruce Piatek. (386)446-7630, email: bpiatek@myagmuseum.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 2 days before the workshop/meeting by contacting: Bruce Piatek, (386)446-7630 or via email: bpiatek@myagmuseum.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).

DEPARTMENT OF EDUCATION

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATES AND TIMES: A New Commissioner Training Session, August 2, 2012, 10:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, August 3, 2012, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Senate Office Building, Room 401, 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Kathleen M. Richards, (850)245-0455.

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: Kathleen M. Richards, (850)245-0455. 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: Lisa Forbess or Kathleen M. Richards, (850)245-0455.

The **Florida State College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: August 7, 2012, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, 401 W. State St., Room T-140, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2012-14 Major Priorities, Collegewide Initiatives and BlueWave Enterprise Strategies.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: August 7, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Administrative Offices, 501 W. State St., Board Room 405, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: August 7, 2012, 3:00 p.m. – 5:00 p.m.

PLACE: Administrative Offices, 501 W. State St., Room 403A, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: As needed, College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, July 31, 2012, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida State College at Jacksonville, on or before August 7, 2012. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of August and September 2012, the Board will hold informal meetings each Thursday, 12:00 Noon – 4:00 p.m. at the Administrative Offices, Room 403A, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

FLORIDA STATE COLLEGE AT JACKSONVILLE

Dr. Steven R. Wallace

College President

The Florida's **Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: September 7, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Embassy Suites Hotel Tampa-Airport/Westshore, 555 North Westshore Blvd., Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting.

A copy of the agenda may be obtained by contacting: Whitney.Davis@oel.myflorida.com. Agenda will be available 7 days before the meeting date.

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: Whitney.Davis@oel.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: Whitney.Davis@oel.myflorida.com.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation, Office of Right of Way** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Transportation-District 7, Auditorium, 11201 N. Malcolm McKinley Dr., Tampa, FL 33612-6403

ATTEND VIA WEBINAR: If you are unable to attend the meeting in person, you have the option to attend through the on-line Webinar. Space is limited. Reserve your Webinar seat now at: <https://www2.gotomeeting.com/register/763160186>. After registering you will receive a confirmation email containing information about joining the Webinar.

System Requirements

PC-based attendees

Required: Windows® 7, Vista, XP or 2003 Server

Macintosh®-based attendees

Required: Mac OS® X 10.5 or newer

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chapter 479, Florida Statutes, Outdoor Advertising revisions. The meeting is to review and provide recommendations for potential amendments to the statute.

A copy of the agenda may be obtained by contacting: Mr. Michael Green, Outdoor Advertising Administrator, Office of Right of Way, Florida Department of Transportation, 605 Suwannee Street, MS #22 Tallahassee, Florida 32399-0450, (850)414-4545, email: Michael.Green@dot.state.fl.us or Fax: (850)414-4850.

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: Mr. Michael Green, Outdoor Advertising Administrator, Office of Right of Way, Florida Department of Transportation, 605 Suwannee Street, MS #22 Tallahassee, Florida 32399-0450, (850)414-4545, email: Michael.Green@dot.state.fl.us or Fax: (850)414-4850. 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: Mr. Michael Green, Outdoor Advertising Administrator, Office of Right of Way, Florida Department of Transportation, 605 Suwannee Street, MS #22 Tallahassee, Florida 32399-0450, (850)414-4545, email: Michael.Green@dot.state.fl.us or Fax: (850)414-4850.

FLORIDA PREPAID COLLEGE BOARD

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

DATE AND TIME: Tuesday, August 7, 2012, 9:30 a.m. or soon thereafter, until completion

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct business of the Florida Prepaid College Board.

A copy of the agenda may be obtained by contacting: <http://www.myfloridaprepaid.com/> or by calling: (850)488-8514.

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 Faxing a written request to: Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting. 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 **Florida Prepaid College Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, August 15, 2012, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and evaluate responses received from the Invitation to Negotiate for ITN #12-05, Large Capitalization Growth Domestic Equity Investment Management Services for the Stanley G. Tate Florida Prepaid College Program and the Florida 529 Savings Plan.

A copy of the agenda may be obtained by contacting: Florida Prepaid College Board, (850)488-8514.

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 Prepaid College Board, (850)488-8514. 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 **Florida Prepaid College Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Friday, August 17, 2012, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and evaluate responses received from the Invitation to Negotiate for ITN #12-06, Insurance Services for the Stanley G. Tate Florida Prepaid College Program.

A copy of the agenda may be obtained by contacting: Florida Prepaid College Board, (850)488-8514.

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 Prepaid College Board, (850)488-8514. 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 PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesdays, August 8, 2012; August 15, 2012; August 29, 2012, 8:30 a.m.

PLACE: Florida Parole Commission, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, (850)488-1293.

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 Parole Commission, ada@fpc.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

PUBLIC SERVICE COMMISSION

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

DATE AND TIME: Monday, August 13, 2012, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Public Service Commission has jurisdiction over the determination of overall suitability of ten-year site plans pursuant to Section 186.801, Florida Statutes. The purpose of this workshop is to afford an opportunity for discussion and public comment on the ten-year site plans submitted by Florida's electric utilities and on related issues. In addition, the Florida Reliability Coordinating Council will present the Peninsular Florida Regional Load and Resource Plan, and associated studies.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, Gerald L. Gunter Building, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Commission Clerk, (850)413-6770. 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 Florida **Public Service Commission** announces a status conference in the following docket to which all persons are invited.

DATE AND TIME: Monday, August 13, 2012, thirty minutes after the conclusion of the Commission Public meeting scheduled at 1:00 pm to discuss the Duke-Progress merger.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.100437-EI – Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

The purpose of this status conference is to discuss Progress Energy Florida's repair or retire decision, the scheduling of any repairs to the CR3 unit and the scheduling of the next hearing track phases. Any other issues related to the scope and scheduling of the docket may also be discussed. The Prehearing Officer will be in attendance. One or more of the Commissioners of the Florida Public Service Commission may also attend. For questions, contact Commission staff, Lisa Bennett, (850)413-6230.

Emergency Cancellation of Status Conference: If a named storm or other disaster requires cancellation of the conference, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the conference will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel, (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 13, 2012, 1:00 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 100437-EI – Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

Docket No. 120001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No. 120007-EI – Environmental cost recovery clause.

Docket No. 120009-EI – Nuclear cost recovery clause.

Docket No. 120022-EI – Petition for limited proceeding to approve stipulation and settlement agreement by Progress Energy Florida, Inc.

The purpose of the meeting is for the Commission to meet the new leadership of Progress Energy Florida's parent corporation and for the Commissioners to discuss how the Duke-Progress merger will affect Florida consumers, which will necessarily

include a discussion about the Settlement Agreement. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this 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: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Commission staff, Lisa Bennett, (850)413-6230.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: August 14, 2012, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The agenda, recommendations, vote sheet, transcript, and minutes may be obtained from the Commission's Web site: www.floridapsc.com or by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at the address or telephone number above, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's Web site.

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

DATE AND TIME: August 14, 2012, 2:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Prehearing Conference in Docket Number 120015-EI – Petition for increase in rates by Florida Power & Light Company.

The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of the General Counsel, (850)413-6199.

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

TITLE: Docket Number 120009-EI – Nuclear cost recovery clause

PREHEARING CONFERENCE

DATE AND TIME: Wednesday, August 15, 2012, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING

DATES AND TIMES: September 5, 2012, 10:30 a.m.; September 10-13, 2012, 9:30 a.m. The starting times on September 11-13, 2012, will be announced at the conclusion of the hearing on the previous day. The hearing may be adjourned early if all testimony is concluded.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is for the Commission to take action on Florida Power & Light Company's and Progress Energy

Florida, Inc.'s petitions in Docket No. 120009-EI – Nuclear Cost Recovery Clause. The Commission will receive testimony and exhibits relative to issues and subjects in the above-referenced docket, and consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow each utility to present evidence and testimony in support of their petition; (2) permit intervenors to present testimony and exhibits concerning each utility's petition; and (3) allow for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 15, 2012.

Emergency Cancellation of Proceedings: If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel, (850)413-6199.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Faith-Based and Community-Based Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2012, 10:00 a.m. – 12:00 Noon
PLACE: Department of Children and Families, Secretary's Large Conference Room, 1317 Winewood Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advisory Council members will meet to discuss regular business of the Florida Faith-Based and Community-Based Advisory Council.

A copy of the agenda may be obtained by contacting: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or Frenchie.Yon@eog.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or email: Frenchie.Yon@eog.

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

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

For more information, you may contact: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or email: Frenchie.Yon@eog.myflorida.com.

REGIONAL PLANNING COUNCILS

NOTICE OF CHANGE – The Bay Area Resource Council (BARC) announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, August 8, 2012, 2:00 p.m.; BARC – Technical Advisory Committee (TAC), 12:30 p.m. prior to the BARC meeting

PLACE: Escambia County Commission, Old Board Chambers, 221 Palafox Place, Pensacola, FL 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Bay Area Resource Council (BARC) and the BARC-Technical Advisory Committee (TAC). These meetings replace the previously scheduled BARC and BARC-TAC meetings in July. Agenda to follow. Please mark this date on your calendar.

A copy of the agenda may be obtained by contacting: Kathy Ahlen, West Florida Regional Planning Council, Staff to BARC, 1(800)226-8914, ext. 210, (850)332-7976, ext. 210, email: kathy.ahlen@wfrpc.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 2 days before the workshop/meeting by contacting: Kathy Ahlen, West Florida Regional Planning Council, Staff to BARC, 1(800)226-8914, ext. 210, (850)332-7976, ext. 210, email: kathy.ahlen@wfrpc.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: Kathy Ahlen, West Florida Regional Planning Council, Staff to BARC, 1(800)226-8914, ext. 210, (850)332-7976, ext. 210, email: kathy.ahlen@wfrpc.org.

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

DATE AND TIME: August 8, 2012, 9:30 a.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: Kathryn Hall, (863)534-7130, ext. 129, email: khall@cfrpc.org.

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.

The **South Florida Local Emergency Planning Committee**, District XI announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2012, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 11-12.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to: Manny Cela, celam@sfrpc.com, visiting the LEPC website: www.sfrpc.com/lepc/htm or by calling: (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2012, 10:00 a.m.

PLACE: Indian River County Emergency Operations Center, 4225 43rd Avenue, Vero Beach, FL 32967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the quarterly meeting of Council's Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Kathryn Boer, (772)221-4060.

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: Kathryn Boer, (772)221-4060. 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: Kathryn Boer, (772)221-4060

WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: Tuesday, August 7, 2012, 9:00 a.m.

PLACE: 7601 Hwy. 301 N., Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pending Permit Applications

- Permit/Application No. and Project Name
- 20003707.008 Bayou Club/Bardmour Golf
- 20006624.008 City of Lake Alfred Public Supply
- 20011261.003 Peace River Development Farm
- 43023491.214 Village of Lake Deaton Master Grading
- 43033330.001 FDOT – SR 93 (I-75) Widening from Hernando County Line to Florida's Turnpike
- 43015782.005 5 J International Youth Camp
- 43002703.056 Wiregrass Reverse Frontage Roads A, B, C & D
- 43040159.003 The Woods

A copy of the agenda may be obtained by contacting: Danielle Sailler, (813)985-7481, ext. 4355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Bureau Chief, 1(800)423-1476, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

2012 Loxahatchee River Preservation Initiative Meeting

DATE AND TIME: Monday August 6, 2012, 12:00 Noon

PLACE: Jupiter Emergency Operations Center, 3133 Washington Street, Jupiter FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initiative Meeting.

A copy of the agenda may be obtained by contacting: Anne Dzwil, South Florida Water Management District, Office of Intergovernmental Programs, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6623, adzwil@sfwmd.gov.

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: Anne Dzwil, (561)682-6623. 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: Anne Dzwil, South Florida Water Management District, Office of Intergovernmental Programs, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6623, adzwil@sfwmd.gov.

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

Governing Board Committee, Workshop and Regular Business Meetings

DATES AND TIME: August 8-9, 2012 (See meeting agendas for specific start times)

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, FL 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action on any item appearing on the agendas for the meetings and on any item that is added to the agendas for any of the meetings as a result of a change to the agendas approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: At these meetings the Governing Board will discuss and consider District business, including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or jmcgorty@sfwmd.gov.

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: Jacki McGorty, (561)682-2087 or jmcgorty@sfwmd.gov. 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: Jacki McGorty, (561)682-2087 or jmcgorty@sfwmd.gov.

The **South Florida Water Management District**, Leasing Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2012, Immediately following the conclusion of the meeting of the Governing Board of the South Florida Water Management District

PLACE: SFWMD, Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the South Florida Water Management District Leasing Corporation to discuss leasing corporation business.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or jmcgorty@sfwmd.gov.

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: Jacki McGorty, (561)682-2087. 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: Jacki McGorty, (561)682-2087 or District Clerk, South Florida Water Management District, MS #1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

The **South Florida Water Management District**, Leasing Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: August 9, 2012, Immediately following the conclusion of the meeting of the Governing Board of the South Florida Water Management District

PLACE: SFWMD, Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the South Florida Water Management District Leasing Corporation to discuss leasing corporation business.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or jmcgorty@sfwmd.gov.

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: Jacki McGorty, (561)682-2087. 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: Jacki McGorty, (561)682-2087 or District Clerk, South Florida Water Management District, MS #1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 20, 2012, 9:00 a.m.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting and a private Attorney/Client briefing session between the Tampa Bay Water Board of Directors and legal counsel pursuant to Section 286.011(8), Florida Statutes, to discuss possible litigation expenditures and/or settlement negotiations in *Tampa Bay Water v. HDR Engineering, Inc.*, et al., now pending in the United States District Court for the Middle District of Florida.

Attorney/Client Briefing Attendees: Board of Directors of Tampa Bay Water; General Manager Gerald Seeber; General Counsel Barrie Buenaventura; Deputy General Counsel Peter Dunbar; Deputy General Counsel Donald D. Conn; Special Counsel Richard Harrison, Esquire; and a certified court reporter.

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

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: Records Department, (727)796-2355. 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: Records Department, (727)796-2355.

NOTICE OF CANCELLATION – The **Withlacoochee Regional Water Supply Authority (WRWSA)** announces CANCELLATION of the following meeting:

DATE AND TIME: Wednesday, August 15, 2012, 4:30 p.m. has been cancelled

The next regularly scheduled meeting will be held:

DATE AND TIME: Wednesday, September 19, 2012, 4:30 p.m.

PLACE: Lecanto Government Building, Room 166, 3600 W. Sovereign Path, Lecanto, Florida

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: August 17, 2012, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will review and discuss strategies to increase electronic health record adoption and health information exchange in Florida.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop #16, Tallahassee, Florida 32308-5403. The agenda will be posted at: <http://www.fhin.com/content/committeesAndCouncils/#ui-tabs-2> seven (7) days prior to 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: Carolyn H. Turner, (850)412-3782. 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: Justin Thorington, (850)412-3779.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Division of Telecommunications** with the Standard Operating Procedures and Technical Committee of the Joint Task Force Board announces a workshop to which all persons are invited.

DATE AND TIME: September 4, 2012, 9:00 a.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Suite 225A, Tallahassee, Florida 32399-0950; Conference Call: 1(888)670-3525, Passcode: 7604900010

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matter on the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: John Ford, (850)921-2334, e-mail: John.Ford@dms.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Department of Management Services, (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: John Ford, (850)921-2334 or e-mail: John.Ford@dms.myflorida.com.

The **Department of Management Services, Division of Telecommunications**, Joint Task Force on Law Enforcement Radio Communications Board announces a public meeting to which all persons are invited.

DATE AND TIME: September 7, 2012, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399; Conference Call: 1(888)670-3525, Passcode #7604900010

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters for the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: John Ford, (850)921-2334, e-mail: John.Ford@dms.myflorida.com. 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: John Ford, (850)921-2334 or e-mail: John.Ford@dms.myflorida.com.

The **State Retirement Commission** announces a hearing to which all persons are invited.

DATES AND TIME: Monday, August 20, 2012; Tuesday, August 21, 2012, 8:30 a.m.

PLACE: Embassy Suites Tampa USF/Busch Gardens, Salon A, B, C, 3705 Spectrum Boulevard, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

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 15 days before the workshop/meeting by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410. 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: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Division of Hotels and Restaurants** announces a hearing to which all persons are invited.

DATE AND TIME: August 10, 2012, 9:00 a.m. – 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe St., Tallahassee, FL; Conference Call: 1(888)670-3525, enter Participant Code: 9003077628

GENERAL SUBJECT MATTER TO BE CONSIDERED: Elevator permit and certificate of operation application process.

A copy of the agenda may be obtained by contacting: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399, (850)488-1133; Michelle.Comingore@dbpr.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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional

Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399, (850)488-1133, email: Michelle.Comingore@dbpr.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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399, (850)488-1133, Michelle.Comingore@dbpr.state.fl.us.

The **Department of Business and Professional Regulation, Division of Hotels and Restaurants** announces a workshop to which all persons are invited.

DATE AND TIME: August 10, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe St., Tallahassee, FL; Conference Call: 1(888)670-3525, enter Participant Code: 9003077628

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules relating to elevator service maintenance contracts.

A copy of the agenda may be obtained by contacting: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399, (850)488-1133, Michelle.Comingore@dbpr.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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399, (850)488-1133, email: Michelle.Comingore@dbpr.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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399, (850)488-1133, Michelle.Comingore@dbpr.state.fl.us.

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

DATE AND TIME: September 11, 2012, 8:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a rules workshop to consider Rule 61G18-18.002, Florida Administrative Code, regarding maintenance of medical records, and a general business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

NOTICE OF CANCELLATION – The **Florida Building Commission, Accessibility Technical Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: THIS MEETING HAS BEEN CANCELLED, July 24, 2012, 2:00 p.m.

PLACE: Meeting to be conducted via Teleconference/ Webinar

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Accessibility Technical Advisory Committee has been cancelled. The request for declaratory statement has been withdrawn. Should you need any further information, please contact: Ms. Mary-Kathryn Smith, Florida Building Codes and Standards, (850)487-1824, by email: mary-kathryn.smith@dbpr.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Mary-Kathryn Smith, Florida Building Codes and Standards, (850)487-1824.

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

DATE AND TIME: Friday, August 3, 2012, 10:00 a.m. – until completion

PLACE: Meeting to be conducted using media technology: specifically, Webinar and Conference Call. YOU MUST ACCESS BOTH THE WEBINAR for VISUAL AIDS ONLY and TELECONFERENCE for AUDIO ONLY.

To access the Webinar:

1. Go to <https://suncom.webex.com/suncom/j.php?ED=198989517&UID=1454593767&RT=MmMxMQ%3D%3D>.
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click "Join".

To access the Conference Call: 1(888)808-6959 (US), Conference Code: 205 936 0213; Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and provide recommendation related to a petition for declaratory statement filed with the Florida Building Commission, specifically DS 2012-051 by Larry M. Schneider, AIA and to conduct other business as necessary. Please note that the Petitioner has been informed of particular conditions that must be fulfilled prior to consideration by the Committee or the matter shall proceed directly to the Building Commission without a Committee recommendation.

A copy of the agenda may be obtained by contacting: Refer to website: http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact: Ms. Mary-Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Refer to website: http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact: Ms. Mary-Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The Department of Business and Professional Regulation, Florida Building Commission, "The Commission" announces a public meeting to which all persons are invited.

DATES AND TIMES: August 6, 2012, 10:00 a.m. – completion (TAC); August 7, 2012, 8:30 a.m. – completion

PLACE: Embassy Suites at USF, 3705 Spectrum Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monday, August 6, 2012

10:00 a.m. Energy Technical Advisory Committee. To review and provide comments for the Commission's rule development workshop regarding proposed changes to Rule 61G20.1.001, Florida Administrative Code.

Tuesday, August 7, 2012

8:30 a.m. Commission Plenary Session.

- 1) Review and Approval of Meeting Agenda.
- 2) Review and Approval of June 11-12, 2012 and July 12, 2012, Meeting Minutes.
- 3) Chairs Discussion Issues and Recommendations:
 - a. Appointments.
 - b. Uniform Code Implementation Workgroup Update.
 - c. Teleconference Participation.
 - 4) Accessibility Waiver Applications:
 - a. Indian River Networks, LLC, 200 Ocean Avenue, Suite 201, Melbourne Beach, FL
 - b. Medical Offices for Prevecare, 123 North Krome Avenue, Homestead, FL
 - c. Xtreme Pool Challenge, 161 N. Atlantic Avenue, Cocoa Beach, FL
 - d. JTG of Vero Beach Ltd., 1940 58th Avenue, Vero Beach, FL
 - e. Adams Street Advocates, LLC, 205 Adams Street, Tallahassee, FL
 - 5) Applications for Product and Entity Approval.
 - 6) Applications for Accreditor and Course Approval.
 - 7) Recommendations for Statutory Changes to the 2013 Legislature.
 - 8) Rule Development Workshop, Rule 61G20-1.002, F.A.C., Alternative Design Method for Screen Enclosures.
 - 9) Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code.
 - 10) Petitions for Declaratory Statement.
 - a. Process Modification.
 - b. Consideration of amendment to action previously taken:
 - (i) DS 2012 – 019 by Lorraine Ross.
 - (ii) DS 2012 – 020 by Lorraine Ross.
 - c. Second Hearings:
 - (i) DS 2012 – 038 Pinch-a-Penny.
 - (ii) DS 2012 – 034 by Arnoldo Artiles, P.E.
 - (iii) DS 2012 – 037 by Raymond Manucy of RM Enterprises Inc.
 - d. First Hearings:

- (i) DS 2012-021 by Joe Belcher (deferred).
- (ii) DS 2012-042 by Rick’s A/C, Inc. (deferred)
- (iii) DS 2012-044 by Alfonso Fernandez-Fraga, P.E., Initial Engineers.
- (iv) DS 2012-051 by Larry M. Schneider, AIA.
- (v) DS 2012-052 by Baltimore Aircoil Company.
- 11) Committee Reports:
 - Accessibility Technical Advisory Committee.
 - Education Program Oversight Committee.
 - Energy Technical Advisory Committee.
 - Hurricane Research Advisory Committee.
 - Mechanical Technical Advisory Committee.
 - Product Approval Program Oversight Committee.
 - Screen Enclosure Workgroup.
 - Structural Technical Advisory Committee.
 - Swimming Pool Technical Advisory Committee.
- 12) Public Comment.
- 13) Adoption of Recommendations for Submittal to the Commission.
- 14) Adjourn.
- 15) Following Adjournment, newly appointed commissioners may remain for introduction to staff and discussion with the Chairman.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Florida Building Commission, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824, Fax: (850)414-8436 or see the Commission’s website at: www.floridabuilding.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Florida Building Commission, Department of Business and Professional

Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824, Fax: (850)414-8436 or see the Commission’s website: www.floridabuilding.org.

The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday and Tuesday, August 13-14, 2012, 8:30 a.m.

PLACE: Division of Real Estate, Room N901, North Tower, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board: Topics include, but not limited to, proposed legislation affecting Chapter 475, Part II, F.S., Chapter 61J1, Florida Administrative Code, rule amendments, disciplinary actions, and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Florida Real Estate Appraisal Board, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1757.

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 five (5) days before the workshop/meeting by contacting: Department of Business and Professional Regulation, (407)481-5632. 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.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2012, 9:00 a.m. (Eastern Time)

PLACE: Division of Real Estate, Room N901, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. Only public portions of the agenda are available upon request.

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 five (5) days before the workshop/meeting by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. 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 **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: August 21, 2012, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Replacement of Brokers.

A copy of the agenda may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

For more information, you may contact: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

The **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: August 21, 2012, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The time frame within which a sales associate must place a deposit with the broker.

A copy of the agenda may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

For more information, you may contact: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

The **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: August 21, 2012, 8:30 a.m., or as soon thereafter as can be heard

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Definition for Hardship Cases.

A copy of the agenda may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

For more information, you may contact: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

The **Drug Wholesale Distributor Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 16, 2012, 9:30 a.m. or soon thereafter

PLACE: Board Room, 1940 N. Monroe Street, Tallahassee, FL 32399; Conference Call: 1(888)808-6959, Conference Code: 6623823948

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Drugs Devices and Cosmetics Program office, (850)717-1800 or website at: http://www.myfloridalicense.com/dbpr/ddc/council_meeting.html seven days prior to meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Drugs, Devices and Cosmetics Program, (850)717-1800. 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: Drugs, Devices and Cosmetics Program, 1940 N. Monroe Street, Tallahassee, FL 32399-1047, (850)717-1800.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)670-3525, Code: 7593387 652#. The meeting can also be accessed via GoToWebinar at: <https://www2.gotomeeting.com/register/319244530>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Salinity Network Workgroup to discuss the framework document and development of indices for groundwater levels and groundwater quality.

A copy of the agenda may be obtained by contacting: Ms. Stephanie Sunderman, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399, e-mail: Stephanie.Sunderman@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: Ms. Stephanie Sunderman, (850)245-8478 or Stephanie.Sunderman@dep.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).

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)670-3525, Code: 75933876 52#. The meeting can also be accessed via GoToWebinar at: <https://www2.gotomeeting.com/register/366654586>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Monitoring Catalog Workgroup to discuss the next steps for the monitoring catalog effort.

A copy of the agenda may be obtained by contacting: Ms. Stephanie Sunderman, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399, e-mail: Stephanie.Sunderman@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: Ms. Stephanie Sunderman, (850)245-8478 or Stephanie.Sunderman@dep.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).

The **Department of Environmental Protection**, Bureau of Mining and Minerals Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: August 9, 2012, 4:00 p.m.

PLACE: Circle B-Bar Reserve, Polk's Nature Discovery Center, 4399 Winter Lake Road, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Plan Advisory Group for Leases 3995 and 3963 will meet to discuss and provide input to draft land management plans for the referenced leases. These leases include lands that are part of the Integrated Habitat Network.

A copy of the agenda may be obtained by contacting: Lisa Robertson, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310, (850)488-8217.

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: Lisa Robertson, (850)488-8217. 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: Lisa Robertson, (850)488-8217.

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: August 22, 2012, 9:00 a.m.

PLACE: Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rule development workshop to discuss technical corrections to the used oil management regulations in Chapter 62-710, F.A.C. The public may attend this meeting in person or via webinar. To join the webinar, register at: <https://www2.gotomeeting.com/register/268261346>. After registering you will receive a confirmation email containing information about joining the webinar. A copy of the draft rule modification language will be posted at <http://www.dep.state.fl.us/waste/>.

A copy of the agenda may be obtained by contacting: Julie Rainey, Department of Environmental Protection, MS #4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8713 or email: Julie.C.Rainey@dep.state.fl.us or website: <http://www.dep.state.fl.us/waste/>.

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: Julie Rainey (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).

For more information, you may contact: Julie Rainey (contact information provided above).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: August 22, 2012, 9:00 a.m.

PLACE: Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rule development workshop to discuss technical corrections to the hazardous waste regulations in Chapter 62-730, F.A.C. The public may attend this meeting in person or via webinar. To join the webinar, register at: <https://www2.gotomeeting.com/register/268261346>. After registering you will receive a confirmation email containing information about joining the webinar. A copy of the draft rule language will be posted at <http://www.dep.state.fl.us/waste/>.

A copy of the agenda may be obtained by contacting: Julie Rainey, Department of Environmental Protection, MS #4560, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, (850)245-8713, or email: Julie.C.Rainey@dep.state.fl.us or website: <http://www.dep.state.fl.us/waste/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Julie Rainey (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).

For more information, you may contact: Julie Rainey (contact information provided above).

DEPARTMENT OF HEALTH

The Florida **Department of Health**, Infant, Maternal and Reproductive Health Unit announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 7, 2012, 3:00 p.m.

PLACE: Meeting Number: 628 390 931, Meeting Password: journey; Go to: <https://rcg.webex.com/rcg/j.php?ED=185935102&UID=498365452&PW=NYzM3NmEwNDlh&RT=MIMxMg%3D%3D>; Conference Call: (US/Canada): +1(408)600-3600, Access code: 628 390 931

GENERAL SUBJECT MATTER TO BE CONSIDERED: Healthy Start Redesign Project Steering Committee Meeting.

A copy of the agenda may be obtained by contacting: Javier_Vazquez@doh.state.fl.us.

For more information, you may contact: Javier_Vazquez@doh.state.fl.us or visit the Florida Healthy Start website at: <http://www.doh.state.fl.us/family/mch/hs/hs.html>.

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

DATE AND TIME: Friday, August 24, 2012, 8:00 a.m.

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Chiropractic Medicine, 4042 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing the board web site at: www.doh.state.fl.us/mqa/chiro/index.html.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W. Causey. 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.

The **Department of Health**, Board of Massage Therapy announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 9, 2012, 3:00 p.m. or soon thereafter

PLACE: Conference Call: 1(888)670-3525 Conference Code: 431-9491106

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the Board.

A copy of the agenda may be obtained by contacting: Paula Mask, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: (850)245-4586. 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.

The **Board of Medicine**, Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 17, 2012, 2:00 p.m.

PLACE: Conference Call: 1(888)670-3525, Participation Code: 794 062 0467

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller, (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.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 10 days before the workshop/meeting by contacting: Karen Miller, (850)245-4640, ext. 8180 or email her at Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: Friday, October 12, 2012, 7:00 a.m.

PLACE: Hilton Deerfield Beach/Boca Raton, 100 Fairway Drive, Deerfield, FL 33441, Hotel phone: (954)427-7700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call: Board of Medicine, (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us, call: (850)245-4131, ext. 3517.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 hours before the workshop/meeting by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us or call: (850)245-4131, ext. 3517. 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.

The Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, August 24, 2012, 4:00 p.m. or shortly thereafter; Saturday, August 25, 2012, 9:00 a.m. or shortly thereafter

PLACE: Swan/Dolphin Resort, 1500 Epcot Resorts Blvd., Lake Buena Vista, FL 32830, 1(888)828-8850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Board.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

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: Christy Robinson, (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Orlando Area Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2012, 10:00 a.m. – 12:00 Noon

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Pedro Padua, (407)317-7336 or Taddese Fessehay, (407)317-7335.

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: Pedro Padua, (407)317-7336 or Taddese Fessehay, (407)317-7335. 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: Pedro Padua, (407)317-7336 or Taddese Fessehay, (407)317-7335.

The **Miami-Dade Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: August 10, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade College, Wolfson Campus, 500 N.E. 2nd Avenue, Room 3208-9, Miami, FL 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Miami-Dade Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Adria Dilme-Bejel, (305)377-7518 or Lourdes Dysna-Leconte, (305)376-1947.

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: Adria Dilme-Bejel, (305)377-7518 or Lourdes Dysna-Leconte, (305)376-1947. 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: Adria Dilme-Bejel, (305)377-7518 or Lourdes Dysna-Leconte, (305)376-1947.

The **Department of Children and Families** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 16, 2012, 10:00 a.m.

PLACE: Conference Call: 1(888)670-3525, Conference Code: 3082681153

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Statewide Human Trafficking Working Group will be having their quarterly conference call to discuss ongoing issues, trends, trainings and policy regarding Human Trafficking around the state.

A copy of the agenda may be obtained by contacting: Tyson Elliott, tyson_elliott@dcf.state.fl.us or (850)717-4199.

For more information, you may contact: Tyson Elliott, tyson_elliott@dcf.state.fl.us or (850)717-4199.

The **Agency for Persons with Disabilities**, Area 14, Family Care Council announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2012, 12:00 Noon

PLACE: 404 Imperial Blvd., Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: APD, Area 14, (863)413-3360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by

contacting: APD, Area 14, (863)413-3360. 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: APD, Area 14, (863)413-3360.

The **Department of Children & Families, Office on Homelessness**, Council on Homelessness announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Ironwood Golf Course, Meeting Room, 2100 N.E. 39th Avenue, Gainesville, Florida 32609; Conference Call: 1(888)670-3525, Participant Passcode: 9798513235

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports and recommendations from its committees for proposals to be included in its 2013 report.

A copy of the agenda may be obtained by contacting: Office on Homelessness, (850)922-4691.

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 days before the workshop/meeting by contacting: Office on Homelessness, (850)922-4691. 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: Office on Homelessness, (850)922-4691.

FLORIDA HOUSING FINANCE CORPORATION

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

DATE AND TIME: August 14, 2012, 10:00 a.m. (Tallahassee Local Time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Housing Finance Corporation (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”).

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or

rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Anchorage, a 22-unit multifamily residential rental development located on or about 2320 N.W. 62nd Street, Unincorporated Miami-Dade County, Florida. The owner and operator of the development is Carlisle Group III, Ltd., 2950 S.W. 27th Avenue, Suite 200, Miami, FL 33133 or such successor in interest in which Carlisle Group III, L.L.C., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S.W. 27th Avenue, #200, Miami, FL 33133. The tax-exempt bond amount is not to exceed \$2,750,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), August 13, 2012, and should be addressed to the attention of Len Stirrat, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197.

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

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

DEPARTMENT OF FINANCIAL SERVICES

The **Automobile Insurance Fraud Strike Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday August 7, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: State Capitol Complex, Committee Room 110, Senate Office Building, Tallahassee, FL 32399 (You must enter through the Capitol to access Senate Office Bldg. and Committee Room 110)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Automobile Insurance Fraud Strike Force.

A copy of the agenda may be obtained by contacting: Cynthia Godbey, email: cynthia.godbey@myfloridacfo.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: Cynthia Godbey, (850)413-1894 or by email: cynthia.godbey@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Financial Services, Division of State Fire Marshal**, Bureau of Fire Prevention announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 21, 2012, 10:00 a.m.

PLACE: State Fire Marshal Conference Room, Third Floor, Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303. Anyone wishing to attend may attend in person or by telephone conference call. Those attending by telephone conference call should dial (850)413-1591, (SC) 293-1591. (Cisco VoIP Internal callers may reach the conference call by dialing 11591.) Once you have dialed the initial number you will be prompted to enter the Conference ID which is 736082. The connection will be available 5 to 10 minutes before 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by contacting: Donald Rollins, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3628.

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: Donald Rollins, (850)413-3628. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ECONOMIC OPPORTUNITY

The **Department of Economic Opportunity** (f/k/a the Agency for Workforce Innovation), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2012, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: dial in number will be posted at <http://www.floridajobs.org/calendar>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

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: Project Connect, PMO, (850)617-0833. 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).

KATZ, KUTTER, KAIGLER, ALDERMAN, MARKS, BRYANT & YON

The **Florida Health Maintenance Organization Consumer Assistance Plan** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 5, 2012, 1:30 p.m.

PLACE: Conference Call: 1(877)434-2293 Passcode 8504251634; Legends 12 Conference Room, Doral Golf Resort, 4400 N.W. 87th Avenue, Miami, FL 33178

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Terri Jay, terri.jay@akerman.com or website: www.flhmocap.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: Terri Jay, email: terri.jay@akerman.com or (850)425-1628. 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: Terri Jay, email: terri.jay@akerman.com or (850)425-1628.

NORTHWOOD SHARED RESOURCE CENTER

The **Northwood Shared Resource Center**, Operational Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Northwood Shared Resource Center, 1940 N. Monroe Street, CR2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Member selection, establish charter etc.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 **Northwood Shared Resource Center**, Finance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Juvenile Justice, Knight Building, CR 1134, 2737 Centerview Drive, Tallahassee, FL 32399-3100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rates meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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 INDEPENDENT LIVING COUNCIL, INC.

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

MEETING: FULL COUNCIL MEETING

DATE AND TIME: September 6, 2012, 9:00 a.m.

PLACE: Conference Call: 1(888)670-3525, Code: 5073148497 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year

to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

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

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

A copy of the agenda may be obtained by contacting: Molly Gosline, (850)488-5624.

THE STUDY COMMITTEE ON INVESTOR-OWNED WATER AND WASTEWATER UTILITY SYSTEMS

The Study Committee on Investor-Owned Water and Wastewater Utility Systems announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 16, 2012, 11:00 a.m. – 5:00 p.m.

PLACE: Knott Building, Room 116K, 404 S. Monroe Street, Tallahassee, FL 32399-1100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 2 of Chapter 2012-187, Laws of Florida, creates a Study Committee on Investor-Owned Water and Wastewater Utility Systems (Study Committee). The purpose of the Study Committee is to identify issues of concern of investor-owned water and wastewater utility systems, particularly small systems, and their customers and research possible solutions. In addition, the committee shall consider: (a) the ability of a small investor-owned water or wastewater utility to achieve economies of scale when purchasing equipment, commodities, or services; (b) the availability of low interest loans to a small, privately owned water or wastewater utility; (c) any tax incentives or exemptions, temporary or permanent, which are available to a small water or wastewater utility; (d) the impact on customer rates if a utility purchases an existing water or wastewater utility system; (e) the impact on customer rates of a utility providing service through the use of a reseller; and (f) other issues that the committee identifies during its investigation. By February 15, 2013, the Study Commission shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing its findings and making specific legislative recommendations, including proposed legislation intended to implement its recommendations. The Study Committee will be meeting over the next several months to accomplish the purposes identified in the legislation.

A copy of the agenda may be obtained by contacting: JoAnn Chase, (850)413-6978 or JChase@psc.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: JoAnn Chase, (850)413-6978 or email: JChase@psc.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: JoAnn Chase, (850)413-6978 or email: JChase@psc.state.fl.us.

FLORIDA WORKERS' COMPENSATION INSURANCE

The **FWCIGA, Workgroup** announces a public meeting to which all persons are invited.

DATE AND TIME: August, 16, 2012, 9:00 a.m.

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workgroup will meet to discuss issues and concerns resulting from recent insolvencies, including large deductible policies, collateral and employee leasing policies.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

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: Cathy Irvin, (850)386-9200. 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 **FWCJUA, Operations Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 29, 2012, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne, (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to the previously announced agenda items in the July 6, 2012 publication, banking matters and a report on operations will also be considered.

A copy of the agenda may be obtained by contacting: Kathy Coyne, (941)378-7408 or from the FWCJUA's website.

ATKINS – TAMPA

The Florida **Department of Transportation (FDOT)**, District Seven announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 7, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Online at: <https://www2.gotomeeting.com/register/280574234> OR one of the following viewing locations:

Madeira Beach City Commission Chambers, 300 Municipal Drive, Madeira Beach, FL 33608 OR FDOT, District Seven Executive Conference Room, 11201 N. McKinley Drive, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Virtual Public Hearing (VPH) for the SR 699 (Gulf Boulevard) proposed median changes at the following locations: north of 131st Avenue, south of 133rd Avenue, north of 133rd Avenue, between 135th Avenue and Boca Ciega Avenue, south of 137th Avenue, south of 141st Avenue, south of 142nd Avenue, between 143rd Avenue and 144th Avenue, between 144th Avenue and 145th Avenue, north of 147th Avenue, and south of SR 666 (Tom Stuart Causeway), FPN: 428959-1, Pinellas County, Florida.

You may participate in the VPH in several ways: 1) From any computer with an internet connection by registering at: <https://www2.gotomeeting.com/register/280574234>; 2) Attend in person at one of the locations listed above. If you plan to participate over the internet, advance registration is required. Once registered, you will receive a confirmation email containing information about joining the VPH. The VPH will open at 10:00 a.m. and the project presentation will start promptly at 10:15 a.m. Please allow adequate time for log-in.

This VPH is being conducted to afford affected property and business owners, interested persons, local governments, and organizations the opportunity to provide comments to FDOT, District Seven, regarding the potential impacts of the proposed median changes on SR 699 (Gulf Boulevard) at the following locations: north of 131st Avenue, south of 133rd Avenue, north of 133rd Avenue, between 135th Avenue and Boca Ciega Avenue, south of 137th Avenue, south of 141st Avenue, south of 142nd Avenue, between 143rd Avenue and 144th Avenue, between 144th Avenue and 145th Avenue, north of 147th Avenue, and south of SR 666 (Tom Stuart Causeway). Proposed changes include the construction of raised medians with marked crosswalks north of 131st Avenue, south of 133rd Avenue, between 135th Avenue and Boca Ciega Avenue, south of 137th Avenue, south of 141st Avenue, and between 144th Avenue and 145th Avenue. Proposed changes also include the construction of raised median islands north of 133rd Avenue, south of 142nd Avenue, between 143rd Avenue and 144th Avenue, north of 147th Avenue, and south of SR 666 (Tom Stuart Causeway). These proposed raised medians will change existing turning movements at the above locations on SR 699 (Gulf Boulevard) between 131st Avenue and SR 666 (Tom Stuart Causeway). Improvements also include milling and resurfacing of SR 699 (Gulf Boulevard) within the above referenced limits, improvements to pavement markings and modifications to existing sidewalks and curb ramps along the corridor.

This VPH is being held pursuant to Chapters 120, 335.18 and 335.199, Florida Statutes. FDOT, District Seven, will receive verbal and written comments online and at each VPH location. Written comments not received at the hearing can be emailed to: roadwork@dot.state.fl.us or mailed: FDOT, District Seven, 11201 N. McKinley Drive, MS #7-600, Attn: VPH #: 428959-1, Tampa, FL 33612. All comments must be emailed or postmarked by August 17, 2012 to become part of the official VPH record. Participation via webinar is also considered part of the official VPH record.

A copy of the agenda may be obtained by contacting: roadwork@dot.state.fl.us, Pamela Sherman, (813)281-8311 or pamela.sherman@atkinsglobal.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 seven (7) days before the workshop/meeting by contacting: roadwork@dot.state.fl.us, Pamela Sherman, (813)281-8311 or pamela.sherman@atkinsglobal.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 VALERIN GROUP, INC.

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

DATE AND TIME: Thursday, August 7, 2012, 5:00 p.m. – 7:00 p.m.

PLACE: Polk County Sheriff's Office, 1100 Dunson Road, Davenport, Florida 33896

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will host an open house to provide details on the upcoming construction project on US 27, from north of Ritchie Road to south of Barry Road, in Davenport, Florida. Improvements being made as part of this project consist of widening US 27 from a four-lane divided highway to a six-lane divided highway, milling (removing old asphalt) and resurfacing the existing roadway, drainage improvements, improved signalization, lighting, installation of sound barrier walls, sidewalk construction, installation of five-foot paved bike lanes, and signing and pavement markings. There will be no formal presentation. Project staff will be available to answer questions regarding access to businesses and residents, lane closures and other project related information.

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: Robin Parrish, District One, Title VI Coordinator, (863)519-2675 or by email: robin.parrish@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: Trudy Gerena, Public Information Officer, (813)299-3579.

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

DATE AND TIME: Thursday, August 9, 2012, 5:00 p.m. – 7:00 p.m.

PLACE: Holiday Inn Express Hotel & Suites Bradenton West, 4450 47th Street West, Bradenton, Florida 34210

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will host an open house to provide details on the upcoming pipe replacement project on State Road 684/Cortez Road from 51st Street West to 26th Street West in Bradenton, Florida. Improvements being made as part of this project consist of replacement of drainage pipes just east of 51st Street West, at the intersection of 30th Street West and Cortez Road, and at the intersection of 26th Street West and Cortez Road. There will be no formal presentation. Project staff will be available to answer questions regarding access to businesses, lane closures and other project related information.

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: Robin Parrish, District One Title VI Coordinator, (863)519-2675 or by email at robin.parrish@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).

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Dixie Bar & Grill Case No. 2012-030962 on July 2, 2012. The petition seeks the agency's opinion as to the applicability of Section 563.02, Florida Statutes, as it applies to the petitioner.

The Petitioner requests a declaratory statement in regards to a proposed self contained micro brewery which shall be connected to the existing building Dixie Bar & Grill via permanent awning/roof structure. The Petitioner request

clarification as to whether a CMBP license to brew beer for consumption on premises only is needed to operate the business under Section 563.02, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulations, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Thomas W. Becker and Carol A. Becker, In Re: Topaz Oceanfront Condominium Association, Inc., Docket No. 2012030696 on July 11, 2012. The petition seeks the agency's opinion as to the applicability of Section 718.113(5), Florida Statutes, as it applies to the petitioner.

Whether a unit owner at Topaz Oceanfront Condominium Association, Inc. may install hurricane shutters where the board has not adopted hurricane shutter specifications but has approved storm glass/laminated glass installation under Section 718.113(5), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Jessica Svenson, Petitioner, In Re: Florencia Condominium Association, Inc., Docket No. 2012030706 on July 13, 2012. The petition seeks the agency's opinion as to the applicability of none cited as it applies to the petitioner.

Whether the unit owner or the association is responsible for repairing a refrigerant line connecting the HVAC system located outside the unit to the handler located inside the unit under ambiguous provisions in the Florencia Condominium Declaration.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Kavita A. Vallabhaneni, Manager/Product Marketing of Baltimore Aircoil Company. The petition seeks the agency's opinion as to the applicability of Section 553.844(4), Florida Statutes, as it applies to the petitioner.

The petitioner requests clarification regarding the applicability of Section 553.844(4), Florida Statutes, wind load requirements to petitioner's product of cooling tower structural systems and the expiration date of the statutory provision.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2203, (850)921-0342.

Please refer all comments to: Mo Madani, CBO Manager, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)921-2247.

NOTICE IS HEREBY GIVEN that on July 11, 2012, the Board of Accountancy has received the petition for declaratory statement from Jonathan D. Marseglia, Esq. The petition seeks the agency's opinion as to the applicability of Section 473.306, F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 473.306, F.S., and paragraphs 61H1-27.002(2)(a) and 61H1-27.002(3)(a), Florida Administrative Code, and whether based on the circumstances listed in the petition, that the petitioner satisfies the educational requirements for licensure in the rules and statute.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on June 22, 2012, the Board of Pharmacy has received the petition for declaratory statement from Armor Correctional Health Services, Inc. The

petition seeks the agency's opinion as to the applicability of Section 465.0276, Florida Statutes, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Section 465.0276, Florida Statutes, as to whether pre-pouring patient-specific medication to be administered by nurses to inmates is considered dispensing under that section.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

NOTICE IS HEREBY GIVEN that on July 13, 2012, the Board of Pharmacy has received the petition for declaratory statement from Nova Southeastern University. The petition seeks the agency's opinion as to the applicability of Section 465.189, Florida Statutes, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Section 465.189, Florida Statutes, as to whether pre-professional education could be sufficient to meet the requirements under that section to administer vaccines.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by the Campbell Property Management Corporation on April 17, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 18, of the May 4, 2012, Florida Administrative Weekly. The Petitioner, a licensed community association management firm, seeks a determination by the Department that its described contemplated proposal to receive fees from insurance agencies in return for referring their clients to the agencies do not: 1) constitute an "unlawful inducement" as that term is used in Section 626.9541(1)(h), Florida Statutes; 2) do not constitute unlawful commission sharing by insurance agents with unlicensed persons; and 3) are not otherwise prohibited under Chapter 626, Florida Statutes. The Department's Order, filed on July 13, 2012, issues a declaratory statement that Sections 626.9541(1)(h), 626.112(8) and 626.753, Florida Statutes, do not prohibit the Petitioner from receiving referral fees from insurance agencies. However, depending on the actual terms of any referral fee agreement between the Petitioner and insurance agencies, Sections 626.9541(1)(h)1.b., 626.112(8) and 626.753, Florida Statutes,

may prohibit the agencies from paying referral fees as determined in accordance with the proposed agreement as described in the Petition.

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

Please refer all comments to: Mr. Butler.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

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

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the disciplines of engineering and architecture for Total Building Commissioning will be required for the project listed below:

Project: UF-286, Harrell Medical Education Building (Main Campus)

The project consists of a four story approximately 94,000 GSF facility that will provide current and innovative teaching laboratories and support facilities which respond to the latest trends toward small-group learning, the use of simulators and standardized patients for professional development and assessment, state of the art information technology, and access to information in a wireless environment. Space will be provided to allow for distance learning opportunities for the urban campus in Jacksonville and other sites as required.

The scope of services shall include design phase peer review; completion and maintenance of the Owner's Project Requirements (OPR) document; development of the Commissioning Plan, Commissioning Specifications, and Systems Manual; and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, and building envelope systems. The consultant shall also support project efforts to achieve higher-than-normal energy efficiency and attain at a minimum (Gold) LEED certification, with platinum being preferred. This project will also participate in the Living Building Challenge and support in this endeavor will also be required.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed, project-specific Commissioning proposal form with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for the applicant and its consultants from the appropriate governing board.

5. Proof of the applicant's ability to be insured for the level of professional liability coverage demanded for this project.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected applicant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

The Commissioning Services Proposal Form and Instructions, Project Fact Sheet, UF Design Services Guide, UF Design & Construction Standards, FP&C non-technical specifications, standard University of Florida Owner-Commissioning Consultant agreement, and other project and process information can be found on the Facilities Planning & Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Tuesday August 28, 2012. Facsimile (Fax) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
232 Stadium/P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000; Fax: (352)273-4034
Internet: www.facilities.ufl.edu

NOTICE TO DESIGN BUILDERS

The University of Central Florida announces that Design Build Services will be required for the project listed below:

Project No.: UCF-564, Project and Location: Bennett Building Renovation and, Research Park adjacent to the Main Campus, University of Central Florida 32826

Project Description: The project consists the renovation and remodeling of three pre-engineered block, brick and stucco flex office/warehouse buildings. The renovation and remodeling will consist of approximately 48,360 GSF.

The selected Design Build (DB) team will provide design, construction documents, and construction services.

Conceptual and advanced schematic design phases shall take place at the University of Central Florida employing an interactive style format. The design team shall prepare graphic illustrations of design concepts for review and will participate in the presentation of those concepts.

The total project budget for this project is approximately \$3,500,000, which includes planning construction, and furniture and equipment. This project is contingent upon financing and appropriate approvals.

The contract for design build services will consist of two phases. Phase One is for pre-construction services, for which the design builder will be paid a fixed fee. Phase One services include value engineering, constructability analyses, and development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 60% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. The Design Builder is the single point of responsibility for performance of the design and construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises and Service Disabled Veteran Owned Business. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the design builder's contract.

Selection of finalists for interviews will be made on the basis of the design builder's qualifications, including experience and ability, past experience; projected workloads; past performance; location; bonding capacity; cost estimating, ability to meet time and budget; and experience of the firm's personnel, staff and consultants. Finalists will be provided a copy of the University of Central Florida Design, Construction, and Renovation Standards, and the University of Central Florida Design Build agreement with which the Design Builder must comply. The Selection Committee may reject all proposals and stop the selection process at any time.

Carefully review the Design Build Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website: www.fp.ucf.edu with the advertisement. Please note that the University of Central Florida will not compensate for lodging, or food, associated with this project.

Firms desiring to provide design build services for the project shall submit a letter of application and a completed University of Central Florida "Design Builder Qualifications Supplement." Proposals must not exceed 40 pages, including the Design Builder Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, and the Florida Department of Business Professional Regulations (DBPR) at the time of application. As set forth by Section 287.133, Florida Statutes, a design build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design build firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The University of Central Florida Design Builder Qualifications Supplement forms and the Project Fact Sheet which contains the Selection Criteria may be obtained by contacting: Gina Seabrook, by phone: (407)823-2166, by Fax: (407)823-5141, email: gina.seabrook@ucf.edu or on our website: www.fp.ucf.edu.

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), August 28, 2012. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted. Misrouting or late delivery by courier service or other delivery means are unacceptable grounds for waiver of this stipulation.

EXECUTIVE OFFICE OF THE GOVERNOR

Notice of Bid/Request for Proposal
Volunteer Florida

Volunteer Florida Website Design
Invitation to Negotiate

Deliver to: Volunteer Florida

Attn: Jayme O'Rourke

jayme@volunteerflorida.org

401 S. Monroe Street, Tallahassee, FL 32301

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1.0 INTRODUCTION

Volunteer Florida, the Governor's Commission on Community Service, is the issuer of this Invitation to Negotiate (ITN).

The anticipated length of the contract is through the completion of design and development services, with a possible extension clause for staff assistance and customary provisions for early termination based on performance. In the event that negotiations fail to result in a binding contract, Volunteer Florida retains the right to re-open negotiations with other ranking proposers until a mutually beneficial relationship is secured.

1.1 Volunteer Florida Overview

Volunteer Florida was established in 1994 by the Florida Legislature (F.S. 14.29) to administer grants under the National and Community Service Trust Act of 1993. Volunteer Florida is directed by a bipartisan, governor-appointed board comprising 15-25 commissioners who are actively involved in volunteer service.

Volunteer Florida administers funds to Florida AmeriCorps and National Service programs; coordinates volunteers and donations in a disaster; and inspires all Floridians to serve their communities.

AmeriCorps Administration

With substantial support from the Corporation for National and Community Service (CNCS – a federal agency), Volunteer Florida grants funds for Florida AmeriCorps and National Service programs addressing critical needs in our state, and works with local faith and community agencies like Communities In Schools, the American Red Cross,

Teach for America, senior centers and Florida's State Parks to strategically address Floridians' needs at the local level.

This year, AmeriCorps will provide more than 1,700 individuals with the opportunity to serve in Florida. Since 1994, more than 23,000 Florida residents have served over 26 million hours through National Service programs.

The AmeriCorps programs administered by Volunteer Florida have a significant impact in Florida's schools. In fact, 86% of Volunteer Florida's AmeriCorps programs were education-based last year. Highlights of their work include:

- 431 Florida schools received AmeriCorps members' services.
- 93,792 students benefitted from AmeriCorps members' mentoring and educational services.
- 18,556 students at-risk of academic failure received intensive tutoring or direct teaching.
- 80% of students receiving academic tutoring achieved a full year of reading grade gain.
- 60% of students served in 26 of South Florida's highest risk schools achieved dramatic success of at least one year of academic grade gain due to AmeriCorps Teacher Corps.

Promoting Volunteerism

Volunteer Florida leads initiatives throughout Florida that use volunteerism as a strategy to meet local needs. These initiatives include engaging Floridians in service for Florida Volunteer Month, special service projects for national days of service including September 11 and MLK, Jr. Day, and honoring Floridians' volunteer work through Presidential Volunteer Service Awards and other recognitions. The Commission also routinely provides training and technical services that are requested by local agencies throughout the state. This assistance includes coaching communities on how to apply for federal service grants, establishing volunteer centers, and trainings to prepare county emergency management staff and their partners on volunteer and donations management. In just the past year, Volunteer Florida partnered with over 640 organizations statewide to achieve this mission and strengthen volunteerism in Florida.

Emergency Management

Volunteer Florida is the lead agency for the State of Florida's Emergency Response Team's Emergency Support Function 15 (ESF 15), charged with helping communities mitigate, prepare, respond and recover from disasters through the engagement of volunteers and donations. This effort involves constant trainings for local communities and strategic collaborations with over 40 disaster relief agencies and all 67 counties. For example, during the active storm seasons in 2004 and 2005, the Commission coordinated the support of over 252,000 volunteers and donations totaling more than \$85 million in value, which at that time was the largest volunteer response for any natural disaster in U.S. history.

1.2 Volunteer Florida Mission, Vision and Objectives

Volunteer Florida's Mission is inspiring Floridians to serve their communities. The Vision of our organization is to engage more Floridians in National Service and volunteer opportunities, and to recognize the impact of current volunteers and National Service members. We are committed to the belief that all people can benefit from incorporating service into their lives and can make a difference in their community and country. When we share our talents, we:

- Solve problems
- Strengthen communities
- Improve lives
- Connect to others
- Transform our own lives

A growing body of research indicates that volunteering can even provide health benefits in addition to social ones, showing that volunteers have lower mortality rates, greater functional ability, and lower rates of depression.

Volunteer Florida's objectives are to:

- Increase public understanding of our work as a state service commission
- Increase public awareness of AmeriCorps in Florida
- Inspire new volunteers
- Be a resource for volunteer managers and voluntary organizations
- Improve our visibility as the State of Florida's lead agency for disaster volunteers & donations
- Increase awareness of the Volunteer Florida Foundation, a Direct-Support Organization

1.3 Volunteer Florida's Audience

- Current partners and programs
- New volunteers
- Stakeholders
- Potential donors

2.0 BRANDING

We would like to redesign our logo to simply say "Volunteer Florida." Key attributes of the new logo and branding would:

- Be modern, fun and fresh
- Utilize a color scheme that would blend with current branding
- Incorporate a new, more sophisticated version of the Volunteer Florida signature sunshine

3.0 WEBSITE DESIGN & DEVELOPMENT

3.1 Volunteer Florida Website Design, Build and SEO Objectives

This document was created to provide all potential respondents with the information necessary to respond completely and accurately to Volunteer Florida's need for a professional and efficient Website Design, Build, and SEO.

The objectives of the Website Design, Build and SEO ITN are:

- Updating the website's visual aesthetic
- Improving navigation and usability
- Creating a compelling web presence across all Volunteer

Florida web properties that engage visitors with relevant, up-to-date information and tools to volunteer

- Creating the requirements for, developing, implementing and assuring a Content Management System that empowers Volunteer Florida staff to take full ownership of our online presence and maintain the website's content
- Bringing the site into compliance with current best practices for web development
- Usage of syntax to ensure the site is optimized for search engines

The site should be valid across all modern browsers and platforms and comply with ADA accessibility standards.

In addition to a redesigned, redeveloped site, Volunteer Florida would like to add new features to its site, including:

- An interactive tool that allows Volunteer Florida website users to search for volunteer opportunities based on geographic location and areas of interest. The tool would incorporate similar functionality to that found on Volunteer Louisiana's website, located at: <http://volunteerlouisiana.gov/>, and would likely involve an interactive map as well as a national database like Volunteer Match or www.serve.gov.
- A login for AmeriCorps programs to use to access program-specific information.
- Capability to accept donations to the Volunteer Florida Foundation.

3.2 Volunteer Florida Website Design, Build and SEO Needs Assessment

A. Volunteer Florida requires a best-in-class partner who can collaborate with internal marketing resources to design and build a new website

B. Volunteer Florida desires to create a look and feel for its site that engenders trust in its brand and communicates the brand mission and values

C. Volunteer Florida desires a partner who can work alongside or augment internal resources through a seamless workflow. The partner must have a solid track record for customer and technical service.

D. Contractually, Volunteer Florida requires that all of its content, data, structure and tagging remain an asset of Volunteer Florida at all times; and upon termination of any agreement, will remain Volunteer Florida's property.

E. Contractually, Volunteer Florida requires a partner that understands redundancy and appropriate security as well as Disaster Recovery as its content is a key asset to the function of the Volunteer Florida mission and goals.

3.3 Volunteer Florida Website Design, Build and SEO Scope of Work

A. Volunteer Florida requires a best-in-class partner that will collaborate with internal marketing to design, build, port and support its current websites. Currently, Volunteer Florida's website assets include:

- www.volunteerflorida.org

- www.volunteerfloridastater.org
- www.floridavolunteermonth.org
- www.6days6ramps.org
- www.floridaremembers911.org
- www.volunteerflfoundation.org

These are web pages & sites that have been developed and designed internally by Volunteer Florida staff. However, Volunteer Florida would like to incorporate all materials found on these pages on the newly-designed website so that there is a uniform look and consistency in branding.

B. Candidates must demonstrate best practices for website user interface design, knowledge and experience working with front-end web development languages based in ASP, PHP, XML, HTML, HTML5, as well as working and integrating with a variety of legacy database and core back-end systems based in .Net, SQL, C#, C+, C++.

C. Candidates must be able to demonstrate understanding of best practices for porting content and UI/UX to other web and mobile device platforms such as smart phones and tablets.

D. Candidates must have experience and references for working seamlessly with internal resources and other agency partners to achieve brand look and feel.

E. Volunteer Florida will prioritize partners who have experience with, and expertise in, developing front-end website designs and user interfaces using turn-key, open and extensible multi-channel, content management and distribution platforms.

F. Candidates must demonstrate through knowledge and experience best practices in SEO management to maximize search engine traffic.

G. Volunteer Florida requires all of its website UI, messaging, content, data, URLs, website designs, structure and tagging remain an asset of Volunteer Florida at all times; and upon termination of any agreement candidates will maintain and not block or remove end user access to its websites. This can be accomplished via a royalty-free perpetual license, if appropriate.

H. The candidate is expected to devise, collaborate and review its website design plans with Volunteer Florida; to lead the development of approved website requirements in a timely fashion, providing Volunteer Florida with reasonable options in the time, quality, and cost triangle; and to meet agreed-upon timelines.

I. Contractually, all tangible and intangible property acquired in conjunction with the production of Volunteer Florida promotional materials shall be the property of Volunteer Florida and shall be used exclusively by the organization to promote volunteerism on behalf of Volunteer Florida. Volunteer Florida reserves the right of final approval of the disposition of said property.

4.0 PROPOSAL INSTRUCTIONS

4.1 Overview

This ITN represents the best effort of Volunteer Florida to document its requirements for this project. Volunteer Florida reserves the right to adjust the specifications or scope of effort slated in this ITN. In the event that any modifications are necessary, Volunteer Florida will notify all respondents remaining in consideration via a written addendum to this ITN. The selected firm will be posted on the Volunteer Florida website on September 24, 2012.

4.2 Liability

The issuance of this document and the receipt of the information in response to this ITN will not in any way cause Volunteer Florida to incur liability or obligation to you or your organization, financial or otherwise. Volunteer Florida assumes no obligation to reimburse or in any way compensate you or your organization for expenses incurred in connection with your response to this ITN.

4.3 Protocol

Responses must be submitted no later than close of business on the date specified in the Timetable (Section 4.7 of this ITN). Volunteer Florida will return any ITN responses that are received after the deadline.

Submit your responses in the format that is described in Section 5 of this ITN. The response should be submitted to:

Jayne O'Rourke

Director of Communications and Government Affairs

jayne@volunteerflorida.org

Subject Line: Website Design ITN

Volunteer Florida will notify each applicant that their response has been received via e-mail. Please be sure to include your email address with your response. It is mandatory that the requirements stated in this ITN are addressed completely.

4.4 Questions from Respondents

To ensure that all respondents have accurately and completely understood the service requirements, Volunteer Florida will accept written questions through August 13, 2012. If you have questions, you should submit them via email to: jayne@volunteerflorida.org. Please include the ITN section reference, if appropriate, with your questions. Be sure to include the necessary contact information – name, company, title, telephone and email address. Volunteer Florida will answer all questions on or before close-of-business on August 24, 2012. All respondents will receive a copy of all questions and answers via email. If you do not have any questions, please email: jayne@volunteerflorida.org with your intent to bid in order to confirm your company will receive the questions and answers proposed by other firms.

4.5 Evaluation Criteria and Negotiation Process

Volunteer Florida is looking to make a “best-value” decision during this process. And, although cost is a critical part, we consider the quality of service, professionalism, pro-active/creative thinking, and project management commitment to be extremely important factors in making our decision. Our decision will be based on the perceived ability to fulfill these requirements.

The information requested from respondents in response to the scope of work and in the sections under Respondent Profile & References will be scored using the evaluation criteria. However, Volunteer Florida recognizes that many candidates may not have the bandwidth to provide answers to all of the questions listed in the ITN. Clarity and concision are highly valued. All respondents are encouraged to provide whatever information they are able to in order to best represent themselves and their merits to Volunteer Florida’s mission, goals and the scope and requirements detailed in this ITN.

Priority will be placed on candidates that:

- Exemplify the cutting edge of digital design
- Identify and assign a project team to the account who are considered industry leaders within their respective expertise
- Have a solid track record of expanding their clients’ digital footprints
- Have a history and an ethos of driving high brand awareness clients to even greater heights
- Show an ability to work seamlessly with other agencies, vendors and in-house resources
- Constantly adjust and optimize efforts to achieve the highest possible return on investment
- Create high quality messaging and creative assets for online and digital user experiences

All responses received by Volunteer Florida will be evaluated by a committee consisting of Volunteer Florida management and peer reviewers.

After the initial evaluation, Volunteer Florida will contact a short list of respondents. The finalists may be asked to formally present their proposal and Volunteer Florida reserves the right to require attendance by particular representatives of the proposer. They may be asked to submit additional information and/or recommendations as amendments to their initial proposal. Volunteer Florida may request an onsite visit to your facility. Any written summary of presentations or demonstrations shall include a list of attendees, a copy of the agenda, and copies of any visuals or handouts, and shall become a part of the proposer’s reply. Failure to provide requested information may result in rejection of the reply.

Volunteer Florida is under no obligation to reveal how a respondent’s proposal was assessed or to provide specific feedback information. Further, Volunteer Florida is not obligated to reveal specific information about its decision-making process.

Volunteer Florida has attached the evaluation criteria as Exhibit A.

Volunteer Florida reserves the right to reject any and all replies. Volunteer Florida reserves the right to negotiate concurrently or separately with competing proposers. Volunteer Florida reserves the right to accept portions of a competing proposer’s reply and merge such portions into one project, including contracting with the entities offering such portions. Volunteer Florida reserves the right to waive minor irregularities in replies.

4.6 Project Timetable

The following schedule provides you with key events and their associated completion dates.

Activity	Date
ITN emailed to firms, posted on Volunteer FL website and in the Florida Administrative Weekly	July 27, 2012
Deadline for firms to submit written questions	August 13, 2012
Intent to Submit due to Volunteer Florida	August 13, 2012
Responses to questions submitted by firms posted as an Addendum to the ITN at www.volunteerflorida.org	August 24, 2012
Institution proposals due	September 10, 2012, 12:00 Noon (EST)
Proposals opened	September 10, 2012, 12:05 p.m. (EST)
Proposals reviewed	September 10-21, 2012
Selected firm is announced on the Volunteer FL website	September 24, 2012, 10:00 a.m. (EST)
Contract negotiations underway	September 27, 2012, 10:00 a.m. (EST)

5.0 PROPOSAL FORMAT

To ensure timely and fair consideration of your response, respondents are being asked to adhere to a specific response format, which is described in the following table. Volunteer Florida reserves the right to ask any clarification questions and request additional information.

No.	Proposal Selection	Content/Deliverables
1.	Authorization Letter and Signature	Under the signature of an authorized company representative, provide the names of individuals authorized to represent and negotiate the company’s products and services.
2.	Table of Contents	

3.	Executive Summary	High-level summary of the most important aspects of your proposal, including a short explanation of your qualifications. Include a brief, but precise description of your proposed management of the website development, digital marketing and other online program service procurement process.
4.	Company Profile	Respond to questions presented in Sections 6.1 of this ITN.
5.	Customer References	Respond to Sections 6.2 and 6.3 of this ITN.
6.	Company Services	Respond to Sections 6.4 of this ITN
7.	Pricing	Respond to Section 7.0

6.0 RESPONDENT PROFILE AND REFERENCES

6.1 Company Overview

- A. Provide company legal name, parent company, ownership structure, mailing address, main phone number and email.
- B. Provide primary contact.
- C. Total employees and number of employees whose primary function is A.) Website Design; B.) Website Program Management; C.) Website Development; D.) UI/UE; E.) SEO Management and Optimization.
- D. Provide senior staff bios.
- E. If different from above, please provide proposed project team’s staff bios.
- F. Guaranteed duration of the initial project team (the team whose bios are included in the response) on the Volunteer Florida account.
- G. Indicate the number of years and nature of experience on related projects of the proposed team.
- H. List any potential conflicts with existing clients and this ITN. Volunteer Florida reserves the right to exclude a proposal from consideration at any point in the review or negotiation process should the conflict(s) of interest be deemed as unacceptable.
- I. If applicable, indicate the number of years and nature of your experience in the nonprofit or volunteer sectors.
- J. Describe specific knowledge of Florida nonprofits or state commissions.
- K. Detail company location that will be used to support the Volunteer Florida account and the business nature of the location’s operation.
- L. Describe commitment and procedures in delivering flawless service to your clients.

M. Describe your procedures during any given emergency that will enable you to carry on the business contained in this ITN on behalf of Volunteer Florida.

6.2 Current Customer References

Please provide contact information for at least three existing clients that Volunteer Florida can contact. Wherever possible, please include nonprofit or state commission clients as references. For each reference, please indicate the following:

- Contact Name and Title
- Contact Phone Number
- Service Description
- Contact Company Name
- Industry of Client
- Length of Relationship

6.3 Current Customer References

Please provide contact information for at least two former clients that Volunteer Florida can contact and provide a brief explanation regarding the end of the business relationship. For each, please indicate the following:

- Contact Name and Title
- Contact Phone Number
- Service Description
- Contact Company Name
- Industry of Client
- Length of Relationship

6.4 General Background on Company Services

Website Design & Development Services

A. What website design and development services do you provide?

B. Do you conduct usability testing? If so, what are your methods?

C. Do you have any proprietary tools or products related to this ITN?

D. Describe your process for ensuring a seamless end user experience if/when digital assets and content you wish to serve through your UI, web services or applications are stored on our agency's server.

E. Please provide two Case Studies in the following format:

- Client Requirements
- The challenge, goals and objectives
- Strategy developed to achieve goals and objectives
- Approach selected and rationale for approach
- Metrics selected and rationale for selection
- Value delivered against chosen metrics
- Commentary for how the site was built, what code base was chosen and why, how the website was optimized over time (what were initial successes & failures, how did your team adjust and capitalize on learning? What did you do to change your approach? What impact did your change in approach have on the goals of the client, its website(s) or its audience?
- How does this apply to Volunteer Florida?

Client Services & Project Management

A. Outline your project communication structure. If your account staff is separate from your project team or the technical experts who will work on this account, please detail how these teams work together and with the client. Include how you approach the client review process during the different phases of development and your process for post-launch revisions and adjustments.

B. For the proposed budget, what is the level of client services you will be able to provide?

- Onsite, how often and at what capacity
- Offsite, dedicated technology expert/program manager
- Offsite, dedicated account manager
- Other, please specify

Candidate's Design and Development Working Process

A. Outline your Design and Development process for executing against a client's strategy.

B. Provide an excerpt from the final deliverable of a development requirements spec or MRD (the client's name or website name or address can be removed).

C. Provide a copy of an SEO assessment on a recent website redesign you completed. Also provide a copy of your team's approach to SEO strategy and best practices and the ways in which you incorporate these practices into your development process.

Familiarity with other Digital Media Channels and Platforms

Describe your level of expertise with mobile and web applications, ratings service sites, social networking tools, content sharing services and other social sharing technology and platforms.

7.0 PRICING INFORMATION

Volunteer Florida requests each consultant to provide detailed pricing. Pricing must be fully comprehensive and complete. Additional information and backup detail should be included as appropriate with your proposal.

8.0 CONTRACT

The contract terms shall be defined by a written agreement, which shall be binding when fully executed by both parties. Any responses to the ITN will be incorporated by reference in each written agreement and will become an integrated part of the final contract. Agreements will be customized through negotiations, and Volunteer Florida's basic terms and conditions and business requirements will be embodied in this contract.

If selected for contract negotiation, the partner will have to provide proof of financial stability and provide Volunteer Florida with information requested so they may determine that the partner has sufficient financial resources to perform all services associated with the contract.

Volunteer Florida hopes to maintain collaborative relationships with its agencies that foster and support the notion that "the best idea wins." To that end, Volunteer

Florida may increase its allocation for any initiative that shows promise of a higher return on investment than current or planned investments over the term of this contract.

The desired relationship is one marked with a commitment to consistent quality service and continual improvement for the contract processes and services. Therefore, any final agreement will include specific service level and performance standard requirements.

Other Contractual Consideration:

A. All concepts, slogans, or plans submitted or developed by the contractor for Volunteer Florida during the term of the agreement, whether or not used, and any and all layouts, copy artwork, films, and other tangible material which the contractor prepares for Volunteer Florida or purchases for its account pursuant to a campaign for Volunteer Florida, are Volunteer Florida’s property exclusively, provided that Volunteer Florida has paid the invoices rendered, if any.

B. All contracts for the acquisition or use of materials and properties, and for the employment of talent, shall be entered into and signed by the contractor on behalf of Volunteer Florida to the end that all materials, properties and rights obtained by virtue of such contracts shall become the property of Volunteer Florida.

C. The contractor shall, at its own cost during the term of this relationship, maintain liability insurance of at least \$1 million covering claims or suits arising out of contractor’s services.

D. The contractor will exercise all reasonable precautions in the examination of all material prepared or used on Volunteer Florida’s behalf to avoid any claims against either party. To the extent and limits of the general liability policy maintained by Volunteer Florida, Volunteer Florida will indemnify and hold the contractor harmless with respect to claims, demands, or actions arising out of representation or materials furnished by Volunteer Florida to the contractor. The contractor will indemnify and hold Volunteer Florida harmless from and against any and all claims, demands or actions arising from the preparation or presentation of any campaigns covered by the final agreements.

E. Volunteer Florida shall reimburse the contractor for the costs of such materials and services, provided that the contractor shall be responsible for the completion of all subcontracted work in a manner deemed satisfactory by Volunteer Florida. The contractor shall be reimbursed for reasonable cost of travel necessary to carry out the final agreement, other than travel to Tallahassee directly related to the contractor’s performance.

Exhibit A – ITN Evaluation Criteria

Evaluation Criteria	% of Overall Score
Experience with developing and implementing integrated, digital marketing programs	
Quality, creativity and relevance of work samples/experience in previous nonprofit or state commission-related accounts and ability to plan, develop, launch and maintain digital marketing platforms	
Role in developing appropriate metrics and working with client to regularly measure and optimize success and recommend new metrics to best meet stated and changing goals of clients	
2. SCOPE OF WORK	
Quality, creativity and perceived effectiveness of proposed programs in scope of work and likelihood of achieving program objectives	25%
3. FAMILIARITY WITH FLORIDA BRAND AND PRODUCT	
Extent of knowledge and familiarity with Volunteer Florida platforms and/or with nonprofits, state service commissions, or National Service programs like AmeriCorps	20%
4. QUALIFICATION OF PERSONNEL AND PROPOSED SUBCONTRACTORS	
Prior experience and how it relates to this project, including industry position, agency leadership bios, agency through leadership, experience and availability of project team and outside resources	15%
5. CAPABILITIES OF FIRM	
Quality of past performance for nonprofit or National Service-related accounts on developing effective marketing programs	10%
Previous experience managing projects for Public/Private partnerships such as Volunteer Florida	

6. COST EFFECTIVENESS	10%
The maximum services provided in relation to the per hour fee equivalent charged compared against the client's budget and various measures and expectations	

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL or CERTIFIED UNDERGROUND UTILITY & EXCAVATION CONTRACTORS (experienced in utility construction) BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: EK-05

PROJECT NAME & LOCATION: MASTER LIFT STATION REPLACEMENT AT FLORIDA STATE PRISON, 7819 N.W. 228TH STREET, RAIFORD, FLORIDA 32026.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

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

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

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

F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

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

DATE AND TIME: August 29, 2012, 1:00 p.m. (Eastern Time)

PLACE: Florida State Prison, 7819 N.W. 228th Street, Raiford, Florida 32026

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

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

ARCHITECT-ENGINEER: CPH Engineers, Inc. 5200 Belford Road, Suite 220, Jacksonville, Florida 32256.

Contact: Stephen N. Romano. P.E., Telephone: (904)332-0999
 Drawings and specifications may be purchased for a Non-refundable price of \$50.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on August 8, 2012, 1:00 p.m. (Eastern Time), at the Florida State Prison's Administration Building, Conference Room. A brief walk-through of the work area(s) will be available as part of the pre-bid conference. Everyone attending the Pre-Bid conference must have a valid Driver's License or a valid Photo ID; and must sign in and out at the Florida State Prison Administrative Office.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

MID-FLORIDA AREA AGENCY ON AGING

Request for Proposals

Competitive sealed proposals will be received by the Mid-Florida Area Agency on Aging dba Elder Options until 4:00 p.m., September 26, 2012, for the provision of an array of home and community based supportive, nutrition, and family caregiver services under the Older Americans Act. Older Americans Act service providers will be designated for each county in Planning and Service Area 3. These counties are: Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee and Union. The proposal package and

application instructions may be obtained from Elder Options' offices on August 8, 2012 or thereafter. Elder Options' office is located at 5700 S.W. 34 Street Suite 222, Gainesville, Florida. Elder Options reserves the right to reject any and all proposals. A Bidders Conference will be conducted concerning this Request for Proposals at 2:00 p.m., August 24, 2012. Interested parties are encouraged to attend the Bidders Conference at the following location:

Elder Options
5700 S.W. 34 Street, Suite 222
Gainesville, Florida

Correspondence concerning this Request for Proposals should be addressed to:

Ms. Janet Kreischer
Home and Community Based Program Coordinator
Elder Options
5700 S.W. 34 Street, Suite 222
Gainesville, Florida 32608
(352)378-6649

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

REQUEST FOR BIDS

GNV PROJECT NO 12-003: ACCESS ROAD – PHASE 2

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for the Access Road – Phase 2 Project. The work shall include the construction of two-lane, boulevard style roadway with wide median, signing and striping, drainage basins, lighting, landscaping, and irrigation beginning from the termination of Phase 1 of the road off SR 24 (Waldo Road) to the existing loop road at the Gainesville Regional Airport passenger terminal.

Each contractor desiring to bid for the performance of any construction contract located on the National Highway System (NHS) or the State Highway System (SHS) in excess of \$250,000 must be currently certified by the Department of Transportation as qualified in accordance with Section 337.14(1), Florida Statutes and Rule 14-22, Florida Administrative Code.

Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

1. All persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida; and
2. All persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

Complete sets of bid documents will be available for review or purchase beginning July 23, 2012 at the office of:

Eng, Denman & Associates, Inc.
2404 N.W. 43rd St.
Gainesville, FL 32606
Phone (352)373-3541

A non-refundable payment of Two-Hundred dollars and 00/cents (\$200) will be required to purchase each set of the bid documents.

A mandatory pre-bid conference will be held on Tuesday, August 7, 2012, 2:00 p.m., at the Gainesville Regional Airport, Passenger Terminal, 3880 N.E. 39th Avenue, Gainesville, Florida 32609.

Bids must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked:

“GNV Project No. 12-003: ACCESS ROAD – PHASE 2”

and mailed or delivered to the Authority's Administrative Office:

Gainesville Regional Airport
Attn.: Airport Chief Executive Officer
3880 N.E. 39th Avenue, Suite A
Gainesville, Florida 32609

Bids are due at 3:00 p.m., Tuesday, August 28, 2012, and will be publicly opened at this time. The official clock is located in the Authority's Administrative Office.

Bids received after 3:00 p.m., August 28, 2012 will not be considered.

The Notice of Contract Award will be issued on the basis of the total evaluated proposed cost, provided by the Lowest Responsive Bidder, which, in the Authority's sole and absolute judgment will best serve the interests of the Authority. GACRAA reserves the right to reject any or all bids received in response to this Request for Bids as determined to be in the best interest of the Authority.

It is the policy of GACRAA to ensure that disadvantaged business enterprises, (DBE), as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in GACRAA contracts. DBE enterprises are encouraged to respond.

For additional information, contact: Lynn Noffsinger, (352)373-0249, lynn.noffsinger@flygainesville.com.

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales, Inc., intends to allow the establishment of Love Motors, Inc., d/b/a Love Motorsports as

a dealership for the sale of low-speed vehicles manufactured by Polaris Industries, Inc. (line-make GEM) at 2219 South Suncoast Boulevard, Homosassa (Citrus County), Florida 34448, on or after August 27, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Love Motors, Inc., d/b/a Love Motorsports are dealer operator(s): Robert Halleen, 5000 West Angus Drive, Beverly Hill, Florida 34465 and Chad Halleen, 5274 South Riverside Drive, Homosassa, Florida 34448, principal investor(s): Robert Halleen, 5000 West Angus Drive, Beverly Hill, Florida 34465 and Chad Halleen, 5274 South Riverside Drive, Homosassa, Florida 34448.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael W. Malone, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340.

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

INTERLOCAL AGENCIES

Notice is hereby given that Rule 54C-1.001, F.A.C., Tariff is withdrawn. Pursuant to Section 120.52(1)(a), F.S., effective February 27, 2012, the Lake Apopka Natural Gas District is not an agency for purposes of Chapter 120, F.S. The adopted Tariff is posted on the website of the Lake Apopka Natural Gas District. The Internet address through which this publication may be accessed is: <http://www.langd.org/TARRIFlang312.PDF>.

The person designated to receive all inquiries, public comments, and objections pertaining to the publication identified in this notice is as follows: Samuel Davis, Jr., Lake Apopka Natural Gas District, 1320 Winter Garden-Vineland Road, Winter Garden, Florida 34787, Fax: (407)614-5766, email: sdavis@langd.org.

DEPARTMENT OF ELDER AFFAIRS

**REQUEST FOR LETTERS OF INTEREST
AND STATEMENT OF QUALIFICATIONS**

FOR 2013 OLDER AMERICANS ACT SERVICES

The Area Agency on Aging, Inc. of Central Florida, Inc. dba Senior Resource Alliance (SRA) is seeking Letters of Interest and Statements of Qualification from qualified agencies interested in providing evidence-based Wellness and Disease Prevention programs to older persons residing in Brevard, Orange, Osceola, and Seminole Counties.

Letters of Interest are due no later than 3:00 p.m. (EDT), Friday, August 3, 2012, and should be sent to: Sarah Lightell, Chief Operating Officer, Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803. See the full notice at the following website: www.sraflorida.org (under the Resources/Professional Center link).

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED DECISION ON BATCHED
APPLICATION**

The Agency for Health Care Administration made the following decision on this Certificate of Need application in the Other Beds and Programs batching cycle with an application due date of May 16, 2012:

County: Palm Beach Service District: 9
 CON # 10146 Decision Date: 7/12/2012 Decision: A
 Facility/Project: Joseph L. Morse Geriatric Center, Inc.
 Applicant: The Joseph L. Morse Geriatric Center, Inc.
 Project Description: Add 30 community nursing home beds by delicensure of 30 community nursing home beds at Willowbrooke Court at St. Andrews
 Approved Cost: \$2,802,000.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On July 12, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of George A. Cameron, C.N.A., License #CNA 205195. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On July 17, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Julie Marie Lewis, C.N.A., License #CNA 16557. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On July 12, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Bushay S. Reed, C.N.A., License #CNA 201532. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Request for Public Comments on Florida’s WIC Program

The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients’ needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to Cheryl Miller, Department of Health, WIC Program Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726 or by Fax: (850)922-3936. Your feedback is

essential and is appreciated before August 7, 2012. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, Southwest, Washington, D.C. 20250-9410 or call: 1(866)632-9992 (Voice) or (202)260-1026 (Local). TTY users can contact USDA through local relay or the Federal Relay at 1(800) 877-8339 (TTY) or 1(866)377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

Notice of the Availability of the 2012

Trauma Center Letter of Intent

NAME OF AGENCY: Department of Health (DOH)
 PACKAGE TITLE: Florida Trauma Center Letter of Intent
 PURPOSE AND EFFECT: The Department of Health is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.
 ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.
 AUTHORITY: Section 395.4025(2)(a), Florida Statutes, Rule 64J-2.012, Florida Administrative Code.
 TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, mail or visit the Office of Trauma’s website at: <http://doh.state.fl.us/demo/Trauma/index.html> “Letter of Intent 2012”
 Telephone: (850)245-4444, ext. 2756 or SunCom: 205-4440.
 Fax: (850)488-2512.
 Mail request to, Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, and Bin #C-18 Tallahassee, FL 32399-1738.
 DEADLINE: Letters of Intent must be postmarked between September 1, 2012, and midnight, October 1, 2012.
 CONTACTS: Bernadette Behmke, (850)245-4444, ext. 2756, or Susan McDevitt, (850)245-4444, ext. 2760 or SunCom: 205-4440.

DEPARTMENT OF FINANCIAL SERVICES

Quarterly List of Qualified Public Depositories
 DEPARTMENT OF FINANCIAL SERVICES
 DIVISION OF TREASURY
 BUREAU OF COLLATERAL MANAGEMENT
 PUBLIC DEPOSITS SECTION

 FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH

THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ANDALUSIA
CCB COMMUNITY BANK

ATMORE
UNITED BANK

BIRMINGHAM
CADENCE BANK, N.A.
COMPASS BANK
REGIONS BANK
SERVISFIRST BANK

MOBILE
BANKTRUST

ARKANSAS

CONWAY
CENTENNIAL BANK

DELAWARE

WILMINGTON
PNC BANK, N.A.
TD BANK, N.A.

FLORIDA

ARCADIA
FIRST STATE BANK OF ARCADIA

BELLE GLADE
BANK OF BELLE GLADE

BOCA RATON
1ST UNITED BANK
FIRST SOUTHERN BANK

BRADENTON
FIRST AMERICA BANK

BRANDON
PLATINUM BANK

CHIEFLAND
DRUMMOND COMMUNITY BANK

CHIPLEY
ONE SOUTH BANK

CLEWISTON
FIRST BANK *

CORAL GABLES
BAC FLORIDA BANK
BANESCO USA
CAPITAL BANK, N.A.
GIBRALTAR PRIVATE BANK & TRUST COMPANY

CRESTVIEW
FIRST NATIONAL BANK OF CRESTVIEW *

DADE CITY
FIRST NATIONAL BANK OF PASCO
FLORIDA TRADITIONS BANK

DANIA BEACH
COMMUNITY BANK OF BROWARD *

DAVIE

FLORIDIAN COMMUNITY BANK, INC.
REGENT BANK

DAYTONA BEACH

GATEWAY BANK OF FLORIDA

DESTIN

FIRST FLORIDA BANK
GULFSOUTH PRIVATE BANK *

ENGLEWOOD

ENGLEWOOD BANK & TRUST

FERNANDINA BEACH

CBC NATIONAL BANK

FORT LAUDERDALE

BANKATLANTIC 04/01/2014
BROWARD BANK OF COMMERCE
LANDMARK BANK, N.A.
STONEGATE BANK
VALLEY BANK *

FORT MYERS

EDISON NATIONAL BANK
FINEMARK NATIONAL BANK & TRUST
FLORIDA GULF BANK
PREFERRED COMMUNITY BANK *
RELIANCE BANK, F.S.B. *

FORT PIERCE

OCULINA BANK

FORT WALTON BEACH

BEACH COMMUNITY BANK 01/01/2013
FIRST CITY BANK OF FLORIDA *
FNBT.COM BANK

FROSTPROOF

CITIZENS BANK & TRUST

GAINESVILLE

FLORIDA CITIZENS BANK 11/16/2013
MERCHANTS & SOUTHERN BANK

GRACEVILLE

BANK OF JACKSON COUNTY *
PEOPLES BANK OF GRACEVILLE

HALLANDALE

DESJARDINS BANK, N.A.

HERNANDO

NATURE COAST BANK

HOMESTEAD

1ST NATIONAL BANK OF SOUTH FLORIDA
COMMUNITY BANK OF FLORIDA *

INDIANTOWN

HARBOR COMMUNITY BANK, FSB

INVERNESS

BRANNEN BANK

JACKSONVILLE

AMERICAN ENTERPRISE BANK OF FLORIDA *
EVERBANK
FIRSTATLANTIC BANK
THE JACKSONVILLE BANK

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

LAKE CITY

COLUMBIA BANK *
FIRST FEDERAL BANK OF FLORIDA
PEOPLES STATE BANK *

LAKELAND

BANK OF CENTRAL FLORIDA
COMMUNITY SOUTHERN BANK

LAKEWOOD RANCH

C1 BANK

LARGO

USAMERIBANK

MADISON

MADISON COUNTY COMMUNITY BANK

MARIANNA

CHIPOLA COMMUNITY BANK *

MAYO

LAFAYETTE STATE BANK

MELBOURNE

FLORIDA BUSINESS BANK

MERRITT ISLAND

COMMUNITY BANK OF THE SOUTH

MIAMI

CITY NATIONAL BANK OF FLORIDA

COCONUT GROVE BANK

CONTINENTAL NATIONAL BANK OF MIAMI

EASTERN NATIONAL BANK

ESPIRITO SANTO BANK

EXECUTIVE NATIONAL BANK

FLORIDA COMMUNITY BANK, N.A.

INTERAMERICAN BANK, F.S.B. **08/01/2012**

JGB BANK, N.A.

OCEAN BANK **01/16/2013**

PACIFIC NATIONAL BANK

SABADELL UNITED BANK, N.A.

SUNSTATE BANK

TOTALBANK

MIAMI LAKES

BANKUNITED, N.A.

MONTICELLO

FARMERS & MERCHANTS BANK *

MOUNT DORA

FIRST GREEN BANK

FIRST NATIONAL BANK OF MOUNT DORA

NAPLES

FIRST NATIONAL BANK OF THE GULF COAST

SHAMROCK BANK OF FLORIDA

NEW SMYRNA BEACH

FRIENDS BANK *

NICEVILLE

PEOPLES NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE BANK OF FLORIDA

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

ALARION BANK *

COMMUNITY BANK & TRUST OF FLORIDA

GATEWAY BANK OF CENTRAL FLORIDA

OLDSMAR

JEFFERSON BANK OF FLORIDA

ORANGE PARK

HERITAGE BANK OF NORTH FLORIDA *

ORLANDO

CNLBANK *

FLORIDA BANK OF COMMERCE

NEW TRADITIONS NATIONAL BANK

OLD FLORIDA NATIONAL BANK

ORANGE BANK OF FLORIDA *

SEASIDE NATIONAL BANK & TRUST

URBAN TRUST BANK

OVIEDO

CITIZENS BANK OF FLORIDA

PALM COAST

INTRACOASTAL BANK

PANAMA CITY

FIRST NATIONAL BANK NORTHWEST FLORIDA

SUMMIT BANK, N.A.

PENSACOLA

BANK OF THE SOUTH

GULF COAST COMMUNITY BANK *

PERRY

CITIZENS STATE BANK

POMPANO BEACH

FLORIDA SHORES BANK – SOUTHEAST *

PORT CHARLOTTE

CHARLOTTE STATE BANK & TRUST

ENCORE NATIONAL BANK

PORT RICHEY

REPUBLIC BANK

ST. AUGUSTINE

BANK OF ST. AUGUSTINE

PROSPERITY BANK

ST. PETERSBURG

RAYMOND JAMES BANK, N.A.

SEBRING

HEARTLAND NATIONAL BANK
HIGHLANDS INDEPENDENT BANK *

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE

COMMUNITY STATE BANK

STUART

GULFSTREAM BUSINESS BANK
SEACOAST NATIONAL BANK

TALLAHASSEE

CAPITAL CITY BANK
PREMIER BANK *
PRIME MERIDIAN BANK

TAMPA

AMERICAN MOMENTUM BANK
CENTRAL BANK
FLORIDA BANK 09/09/2015
NORTHSTAR BANK
THE BANK OF TAMPA

THE VILLAGES

CITIZENS FIRST BANK

TRINITY

PATRIOT BANK *

UMATILLA

UNITED SOUTHERN BANK

VENICE

FLORIDA SHORES BANK - SOUTHWEST

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIRST BANK OF THE PALM BEACHES
FLAGLER BANK *
GRAND BANK & TRUST OF FLORIDA *

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

CENTERSTATE BANK OF FLORIDA, N.A.

WINTER PARK

BANKFIRST
UNITED LEGACY BANK

GEORGIA

ALBANY

HERITAGEBANK OF THE SOUTH

ATLANTA

SUNTRUST BANK

COLQUITT

PEOPLESOUTH BANK

COLUMBUS

SYNOVUS BANK

DARIEN

SOUTHEASTERN BANK

MOULTRIE

AMERIS BANK

WESTPOINT

CHARTERBANK

ILLINOIS

CHICAGO

BMO HARRIS BANK, N.A.
THE NORTHERN TRUST COMPANY

IOWA

FORT DODGE

FIRST AMERICAN BANK *

LOUISIANA

LAFAYETTE
IBERIABANK

PLAQUEMINE
ANTHEM BANK & TRUST

MASSACHUSETTS

BOSTON
ONEUNITED BANK *

MISSISSIPPI

GULFPORT
HANCOCK BANK

JACKSON
TRUSTMARK NATIONAL BANK

TUPELO
BANCORPSOUTH BANK

MISSOURI

CREVE COEUR
FIRST BANK

NEW YORK

NEW YORK CITY
BANCO POPULAR NORTH AMERICA

NORTH CAROLINA

CHARLOTTE
BANK OF AMERICA, N.A.

WINSTON-SALEM
BRANCH BANKING & TRUST COMPANY

OHIO

CINCINNATI
FIFTH THIRD BANK

COLUMBUS
JPMORGAN CHASE BANK, N.A.

SOUTH DAKOTA

SIOUX FALLS
CITIBANK, N.A.
WELLS FARGO BANK, N.A.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

COMMUNITY BANK & COMPANY
LAKEWOOD RANCH
COMMUNITY BANK & COMPANY CHANGED ITS
NAME TO C1 BANK EFFECTIVE MAY 1, 2012.

THE PALM BANK
TAMPA
THE PALM BANK LOCATED IN TAMPA, FLORIDA WAS
ACQUIRED BY C1 BANK, A QPD WITH A HOME
OFFICE LOCATED IN LAKEWOOD RANCH, FLORIDA
EFFECTIVE CLOSE OF BUSINESS MAY 31, 2012.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Final Order No. DEO-12-089
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY, FLORIDA
ORDINANCE NO.: 011-2012

FINAL ORDER
APPROVING MONROE COUNTY
ORDINANCE NO.: 011-2012

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), Florida Statutes (2011), approving land development regulations adopted by Monroe County, Florida, Ordinance No.: 011-2012 (the “Ordinance”).

FINDINGS OF FACT

- 1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.
- 2. The Ordinance was adopted by Monroe County on May 16, 2012, and rendered to the Department on June 18, 2012.
- 3. The Ordinance amends the Administrative Relief provisions in Sections 138-27 and 138-54 of the Monroe County Code to provide notice of applications for administrative relief to the Florida Department of Environmental Protection and temporarily prohibit administrative relief in the form of a building permit for land in the Florida Forever targeted acquisition areas or Tier I lands so it can be determined whether such lands can be purchased for conservation purposes by a county, state, federal or private entity. The Ordinance implements requirements in Administration Commission Rule 28-20.140, Florida Administrative Code.

CONCLUSIONS OF LAW

- 4. 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. Sections 380.05(6), (11) and 380.0552(9), Florida Statutes.
- 5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
- 6. 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. Sections 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 Section 380.0552(7), Florida Statutes
- 7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principles:

- (a) To strengthen 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.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

- 8. The Ordinance is consistent with Policies 101.6.6 and 101.2.13 of the Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No.: 015-2012 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

/s/

J. Thomas Beck, AICP

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, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA

ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON STREET, MSC #110
TALLAHASSEE, FLORIDA 32399-4128

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

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 persons listed below by the method indicated this 16th day of July, 2012.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC #110
Tallahassee, FL 32399-4128

By U.S. Mail:
The Honorable David Rice
Mayor, Monroe County
500 Whitehead Street
Key West, FL 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, FL 33040

Christine Hurley, Director
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, FL 33050

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO, Tallahassee, FL
Sherry A. Spiers, Assistant General Counsel, DEO,
Tallahassee, FL

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN July 9, 2012
 and July 13, 2012

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Elections

1S-2.049	7/10/12	7/30/12	38/19	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-4.331	7/12/12	8/1/12	38/19	
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DEPARTMENT OF ELDER AFFAIRS

Long-term Care Ombudsman Program

58L-1.008	7/12/12	8/1/12	38/15	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverage and Tobacco

61A-1.013	7/12/12	8/1/12	38/8	
61A-2.018	7/12/12	8/1/12	38/8	
61A-3.033	7/12/12	8/1/12	38/8	
61A-4.003	7/12/12	8/1/12	38/8	
61A-4.046	7/12/12	8/1/12	38/8	
61A-4.0461	7/12/12	8/1/12	38/8	
61A-5.001	7/12/12	8/1/12	38/8	
61A-5.011	7/12/12	8/1/12	38/8	
61A-5.700	7/12/12	8/1/12	38/8	
61A-5.710	7/12/12	8/1/12	38/8	
61A-5.761	7/12/12	8/1/12	38/8	

Board of Architecture and Interior Design

61G1-16.005	7/9/12	7/29/12	38/21	
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DEPARTMENT OF HEALTH

Board of Massage Therapy

64B7-28.001	7/11/12	7/31/12	38/15	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

65E-14.012	7/11/12	7/31/12	38/20	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

69B-211.004	7/10/12	7/30/12	38/19	
69B-213.010	7/10/12	7/30/12	38/16	
69B-213.020	7/10/12	7/30/12	38/16	38/24
69B-213.040	7/10/12	7/30/12	38/16	
69B-213.050	7/10/12	7/30/12	38/16	
69B-213.060	7/10/12	7/30/12	38/16	38/24
69B-213.070	7/10/12	7/30/12	38/16	38/24
69B-213.080	7/10/12	7/30/12	38/16	
69B-213.090	7/10/12	7/30/12	38/16	

Indexing Agency Orders

69T-8.002	7/10/12	7/30/12	38/18	
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Finance

69V-40.177	7/10/12	7/30/12	38/18	
69V-40.265	7/10/12	7/30/12	38/18	
69V-560.901	7/10/12	7/30/12	38/18	

LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO (CHAPTER 2010-279, LAWS OF FLORIDA)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.300	3/2/11	*****	38/3	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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