

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-1.608 Permit Fee Reduction for Certain
 Counties and Municipalities

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-1.608, F.A.C., to clarify the requirements for counties and municipalities requesting a permit fee reduction under Section 218.075, F.S. and to delete provisions of the existing rule that duplicate repeat statutory language. The effect will be to simplify the rule and facilitate fee reductions when requested. The rulemaking will also delete provisions of the Rule that repeat the requirements contained in Section 218.075, F.S.

SUBJECT AREA TO BE ADDRESSED: Permit Fees.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 218.075 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660), email sonya.white@swfwmd.state.fl.us (OGC #2012016)

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.: RULE TITLES:
 66B-1.005 Funds Allocation
 66B-1.006 Application Process

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: add definition of “beach renourishment” to the Cooperative Assistance Program (CAP) rule, update references within rule, add pre-agreement expenses to interlocal agreements.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: funds allocations and application process.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976 (1)-(3) 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: December 19, 2012, 11:00 a.m.

PLACE: The FIND district office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Rd, Jupiter, Florida 33477, Telephone Number: (561)627-3386, Email: JZimmerman@aicw.org

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NO.: RULE TITLE:
 66B-2.005 Funds Allocation

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: clarify of rule for land acquisition projects, add language for funding of derelict vessel and cleanup projects and update references within rule.

SUBJECT AREA TO BE ADDRESSED: Funds Allocation.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976 (1)-(3) 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: December 19, 2012, 11:00 a.m.

PLACE: The FIND district office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Rd, Jupiter, Florida 33477, Telephone Number: (561)627-3386, Email: JZimmerman@aicw.org

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

Section II Proposed Rules

ADMINISTRATION COMMISSION

RULE NO.: 28-101.001
RULE TITLE: Statement of Agency Organization and Operation

PURPOSE AND EFFECT: The proposed rule amendments seek to amend rule language to conform to present technology, with respect to providing e-mail addresses, and to conform to statutory changes.

SUMMARY: The rule amendment is to conform language to present technology and to conform to statutory changes.

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 Commission has determined that the rule amendments are not expected to require legislative ratification based on the fact that the rule amendments are to conform to present technology (provision of an e-mail address and access to an agency's index of final orders) and conform to recent statutory changes.

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: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-101.001 Statement of Agency Organization and Operation.

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

(2) The Statement of Agency Organization and Operation shall:

(a) through (c) No change.

(d) Identify the agency clerk by name, position, address, e-mail address, and telephone number; and set out his or her duties and responsibilities.

(e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:

~~1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.~~

~~2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the agency as a result.~~

~~1.3-~~ That the filing date for a document transmitted by electronic mail or by facsimile shall be the date the agency receives the complete document. Any document received by the office of the agency clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

(f) Identify the name, ~~and~~ address, and e-mail address of the appropriate contact person for obtaining information about variances from or waivers of agency rules, and indicate how to file a petition for variance or waiver.

(g) No change.

(h) Set forth where and how agency index of final orders can be accessed.

(3) The agency clerk ~~head~~ shall provide a copy of its Statement of Agency Organization and Operation to any person upon request.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, 12-24-07,

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

ADMINISTRATION COMMISSION

RULE NO.:	RULE TITLE:
28-102.001	Notice of Public Meeting, Hearing, or Workshop
28-102.002	Agenda of Meetings, Hearings, and Workshops
28-102.003	Emergency Meetings

PURPOSE AND EFFECT: The proposed rule amendments seek to conform to statutory changes regarding materials required to be posted on an agency’s website and to conform to statutory language relating to matters posing an immediate danger to the public health, safety, or welfare.

SUMMARY: The rule chapter language is amended to conform to statutory changes.

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 Commission has determined that the rule amendments are not expected to require legislative ratification based on the fact that the rule amendments conform with recent statutory changes regarding materials required to be posted on an agency’s website.

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: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)1., 120.525 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-102.001 Notice of Public Meeting, Hearing, or Workshop.

(1) Except where otherwise provided, the agency shall give at least seven days notice of any public meeting, hearing, or workshop by publication in the Florida Administrative Register and on the agency’s website ~~Weekly Provisions~~

~~regarding notices of rulemaking hearings are found in Rule 28-103.001, F.A.C. Provisions regarding notices of hearings in proceedings for determining substantial interests are found in Rules 28-106.208 and 28-106.302, F.A.C.~~

(2) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5)(b)1. FS. History–New 4-1-97, Amended 1-15-07, _____.

28-102.002 Agenda for Meetings, Hearings, or Workshops.

(1) through (2) No change.

(3) The agenda and any meeting materials available in electronic form shall be published on the agency’s website. Confidential and exempt information need not be published.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.525 FS. History–New 4-1-97, Amended _____.

28-102.003 Emergency Meetings.

(1) An agency may hold an emergency meeting notwithstanding the provisions of Rules 28-102.001 and 28-102.002, F.A.C., for the purpose of acting upon emergency matters posing an immediate danger to ~~affecting~~ the public health, safety or welfare.

(2) through (3) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.525, 120.54(5)(b)1. FS. History–New 4-1-97, Amended 1-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-104.002	Petition for Variance or Waiver
28-104.003	Comments on Petition
28-104.005	Time for Consideration of Emergency Petition
28-104.006	Request for Information

PURPOSE AND EFFECT: The proposed rule amendments seek to amend rule language to conform to present technology, with respect to providing e-mail addresses, and to clarify rule provisions.

SUMMARY: The rule is amended to conform to present technology.

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 Commission has determined that the proposed rule amendments are not expected to require legislative ratification based on the fact that the amendments are intended to ensure that the rule conforms to present technology (provision of an e-mail address) and are not of a substantive nature.

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: 14.202, 120.54(5)(b)8., 120.54(5) FS.

LAW IMPLEMENTED: 120.542(4), 120.54(5)(b)8 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-104.002 Petition for Variance or Waiver.

- (1) No change.
- (2) The petition must include the following information:
 - (a) No change.
 - (b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;
 - (c) The name, address, any e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, {if any};
 - (d) through (i) No change.
 - (3) through (4) No change.

Rulemaking Authority 14.202, 120.542(5) FS. Law Implemented 120.542(5)(b)8. FS. History--New 4-1-97, Amended 3-18-98, _____.

28-104.003 Comments on Petition.

(1) Any interested person or other agency may submit written comments on the petition for a variance or waiver within 14 days after the notice required by Section 120.542(6), F.S. The agency shall state in any order disposing of the petition whether comments were received by the agency.

(2) through (3) No change.

Rulemaking Specific Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History--New 4-1-97, Amended _____.

28-104.005 Time for Consideration of Emergency Petition.

~~(1) The agency shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.~~

~~(1)(2)~~ Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Register Weekly. Any notice under this subsection shall inform interested persons of the right to submit comments. Interested persons or other agencies may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(2) The agency shall grant or deny a petition for emergency variance or waiver or determine that the request is not an emergency within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.

(3) If the agency decides that the situation is not an emergency, the agency shall so notify the petitioner in writing, and the petition shall then be reviewed by the agency on a non-emergency basis as set forth in Section 120.542(7), F.S.

(4) through (5) No change.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History--New 4-1-97, Amended 1-15-07, 12-24-07, _____.

28-104.006 Request for Information.

(1) No change.

(2) In its response to a request for information, the agency shall indicate the name, address, and e-mail address of the appropriate contact person for additional information and shall indicate how a petition for variance or waiver is filed with the agency.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.542(4) FS. History--New 4-1-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-105.002	The Petition
28-105.0024	Notice of Filing
28-105.0027	Intervention
28-105.004	Notice of Disposition

PURPOSE AND EFFECT: The proposed rule amendment seeks to amend rule language to: conform to present technology with respect to providing e-mail addresses; add uniformity to proceedings by requiring that intervention be by motion rather than petition; and reduce the allegations required for intervention from those required for a petition to intervene.

SUMMARY: The rule chapter language is amended to conform to present technology with respect to: providing e-mail addresses; adding uniformity to proceedings by requiring that intervention be by motion rather than petition, which provides the procedural framework attendant to motions; and reducing the allegations required for intervention from those required for a petition which initiates the proceeding.

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 Commission has determined that the rule amendments are not expected to require legislative ratification based on the fact that the rule amendments clarify

administrative procedures, provide guidance in the administrative process, and conform to recent statutory changes and present technology.

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: 14.202, 120.54(5)(b)6, 120.542(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)6., 120.565 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of the agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

- (1) No change.
- (2) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner.
- (3) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner's attorney or qualified representative, (if any).
- (4) - (5) No change.
- (6) The signature of the petitioner, ~~the or of~~ petitioner's attorney, ~~or a~~ qualified representative.
- (7) No change.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.565 FS. History--New 4-1-97, Amended 3-18-98, 1-15-07, _____.

28-105.0024 Notice of Filing.

The agency shall file a notice of the Petition for Declaratory Statement in the next available Florida Administrative Register Weekly including the following information:

- (1) The name of the agency with which whom the Petition for Declaratory Statement is filed.
- (2) through (4) No change.
- (5) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.
- (6) The applicable time limit for filing motions to intervene or petitions for administrative hearing by persons whose substantial interests may be affected.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History--New 1-15-07, Amended _____.

28-105.27 Intervention.

(1) Persons other than the original parties to a pending proceeding whose substantial interests will be affected by the disposition of the declaratory statement and who desire to become parties may move the presiding officer for leave to intervene. The presiding officer shall allow for intervention of persons meeting the requirements for intervention of this rRule 28-106.205, F.A.C. Except for good cause shown, motions Petitions for leave to intervene must be filed within 21 days after publication of (or such later time as is specified in) the notice in the Florida Administrative Register at least 10 days before the final hearing. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(2) The motion to intervene shall contain the following information:

(a) The name, address, the e-mail address, and facsimile number, if any, of the intervenor, if the intervenor is not represented by an attorney or qualified representative; and

(b) The name, address, e-mail address, telephone number, and any facsimile number of the intervenor’s attorney or qualified representative, if any; and

(c) Allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the declaratory statement; and

(d) The signature of the intervenor or intervenor’s attorney or qualified representative; and

(e) The date.

(3) Any party may, within seven days of service of the motion, file a response in opposition.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History–New 1-15-07, Amended _____.

28-105.004 Notice of Disposition.

The agency shall file a Notice of Disposition for the Declaratory Statement or denial of the petition in the next available issue of the Florida Administrative Register ~~Weekly~~ including the following information:

(1) through (2) No change.

(3) The agency, contact person, ~~and~~ address, and e-mail address where a copy of the petition and final order may be obtained.

(4) No change.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History–New 1-15-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-106.104	Filing
28-106.105	Appearances
28-106.106	Who May Appear; Criteria for Qualified Representatives
28-106.201	Initiation of Proceedings
28-106.2015	Agency Enforcement and Disciplinary Actions
28-106.204	Motions
28-106.205	Intervention
28-106.213	Evidence
28-106.214	Recordation
28-106.217	Exceptions and Responses
28-106.301	Initiation of Proceedings
28-106.303	Motions
28-106.306	Recordation
28-106.402	Contents of Request for Mediation
28-106.404	Contents of Agreement to Mediate

PURPOSE AND EFFECT: The proposed rule amendment seeks to: amend rule language to clarify the filing date of documents; ensure parties have the correct contact information of the other parties; reduce the costs to all parties by requiring that documents be filed only once; clarify the criteria for a qualified representative; conform to present technology with respect to e-mail address; clarify when a reply is permitted; clarify when a motion to dismiss must be filed; conform to statutory changes; add uniformity to proceedings by requiring that intervention be by motion rather than petition; reduce allegations required for a motion to intervene from those required for a petition which initiates the proceeding; clarify applicable statutory sections; provide for a procedure for obtaining official recognition; establish a procedure for the use of interpreters and translators; and delete the obsolete requirement that court reporters be certified.

SUMMARY: The rule amendments clarify the filing date of documents; ensure parties have correct contact information as to other parties; reduce the costs to all parties by requiring documents be filed only once; clarify the criteria for a qualified representative; conform to present technology with respect to e-mail address; clarify when a reply is permitted; clarify when a motion to dismiss must be filed; conform to statutory changes; add uniformity to proceedings by requiring that intervention be by motion rather than petition; reduce allegations required for a motion to intervene from those required for a petition which initiates the proceeding; clarify applicable statutory sections; provide for a procedure for

obtaining official recognition; establish a procedure for the use of interpreters and translators; and delete the obsolete requirement that court reporters be certified.

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 Commission has determined that the rule amendments are not expected to require legislative ratification based on the fact that the rule amendments clarify administrative procedures, provide guidance in the administrative process, and conform to recent statutory changes and present technology.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(2)(a), 120.54(2)(c), 120.54(2)(d), 120.54(3)(a), 120.54(3)(c), 120.54(3)(c)2., 120.54(5), 120.54(7), 120.525 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-106.104 Filing.

(1) No change.

(2) All pleadings filed with the agency shall contain the following:

(a) through (c) No change.

(d) The name, address, any e-mail address, and telephone number of the person filing the pleading;

(e) through (f) No change.

(3) Any document received by the office of the agency clerk ~~after~~before 5:00 p.m. shall be filed as of ~~that day but any document received after 5:00 p.m. shall be filed as of~~ 8:00 a.m. on the next regular business day.

(4) No change.

(5) All parties, if they are not represented, or their attorneys or qualified representatives shall promptly notify all other parties and the presiding officer of any changes to their contact information by filing a notice of the change.

~~(6)(5)~~ All papers filed shall be titled to indicate clearly the subject matter of the paper and the party requesting relief.

~~(7)(6)~~ All original pleadings shall be on white paper measuring 8 1/2 by 11 inches, with margins of no less than one inch. Originals shall be printed or typewritten.

~~(7) If an agency allows documents to be filed by electronic mail or facsimile transmission, the following paragraphs apply:~~

~~(a) A party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. The party shall produce it upon the request of any other party or the agency clerk.~~

~~(b) Any party who elects to file any document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the signals and accepts the full risk that the document may not be properly filed with the clerk as a result.~~

~~(c) The filing date for a document transmitted by electronic mail or facsimile shall be the date the agency clerk receives the complete document.~~

(8) A document shall be filed by only one method (e-filing, facsimile, courier, hand-delivery, or U.S. mail) and shall not be filed multiple times. A duplicate filing will not be docketed and will be destroyed.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.105 Appearances.

(1) through (2) No change.

(3) On written motion served on the party represented and all other parties of record, the presiding officer shall grant counsel of record and qualified representatives leave to withdraw for good cause shown. The motion shall contain the address, any e-mail address, and the telephone number of the party represented.

(4) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended _____.

28-106.106 Who May Appear; Criteria for Qualified Representatives.

(1) No change.

(2)(a) A party seeking representation by a qualified representative shall file a written request with the presiding officer as soon as practicable, but no later than any pleading filed by the person seeking to appear on behalf of the party. The request shall identify the name, address, e-mail address, and telephone number of the representative and shall state that

the party is aware of the services which the representative can provide, and is aware that the party can be represented by counsel at the party's own expense and has chosen otherwise.

- (b) through (c) No change.
- (3) through (5) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.201 Initiation of Proceedings.

- (1) No change.
- (2) All petitions filed under these rules shall contain:
 - (a) No change.

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- (c) through (g) No change.
- (3) No change.

Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, _____.

28-106.2015 Agency Enforcement and Disciplinary Actions.

- (1) through (4) No change.
- (5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, any e-mail address, and telephone number, and any facsimile number (if any) of the respondent, if the respondent is not represented by an attorney or qualified representative.

(b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, (if any), upon whom service of pleadings and other papers shall be made.

- (c) through (e) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 1-15-07, Amended _____.

28-106.204 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing, and shall fully state the action requested and the grounds relied upon. The original written motion shall be filed with the presiding officer. When time allows, the other parties may, within 7 days of service of a written motion, file a response in opposition. No reply to the response shall be permitted unless leave is sought from and given by the presiding officer.

Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct such proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) Unless otherwise provided by law, motions to dismiss the petition or requests for hearing shall be filed no later than 20 days after assignment of the presiding officer, service unless the motion is based upon a lack of jurisdiction or incurable errors in the petition.

(3) ~~All m~~Motions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion. Any statement that the movant was unable to contact the other party or parties before filing the motion must provide information regarding the date(s) and method(s) by which contact was attempted.

~~(4) In cases in which the Division of Administrative Hearings has final order authority, any party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.~~

~~(5) In cases in which the Division of Administrative Hearings has recommended order authority, a party may file a motion to relinquish jurisdiction whenever there is no genuine issue as to material fact.~~

(6) Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.205 Intervention.

(1) Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may move petition the presiding officer for leave to intervene. Except for good cause shown, motions petitions for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. ~~The petition shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.~~ The parties may, within 7 days of service of the motion petition, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(2) The motion to intervene shall contain the following information:

(a) The name, address, any e-mail address, telephone number, and any facsimile number of the intervenor, if the intervenor is not represented by an attorney or qualified representative; and

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the intervenor's attorney or qualified representative; and

(c) Allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the proceeding; and

(d) A statement as to whether the intervenor supports or opposes the preliminary agency action; and

(e) The statement required by subsection 28-106.204(3), F.A.C.; and

(f) The signature of the intervenor or intervenor's attorney or qualified representative; and

(g) The date.

(3) Specifically-named persons, whose substantial interests are being determined in the proceeding, may become a party by entering an appearance and need not request leave to intervene.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07,_____.

28-106.213 Evidence.

(1) through (2) No change.

(3) Hearsay evidence, whether received in evidence over objection or not, may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding unless the evidence falls within an exception to the hearsay rule as found in Sections 90.801-.805 Chapter 90, F.S.

(4) No change.

(5) If requested and if the necessary equipment is reasonably available, testimony may be taken by means of video teleconference or by telephone.

(a) No change.

(b) For any testimony taken by ~~means of video teleconference~~ or telephone, a notary public must be physically present with the witness to administer the oath. ~~If testimony is taken by telephone,~~ the notary public shall provide a written certification to be filed with the presiding officer confirming the identity of the witness, and confirming the affirmation or oath by the witness. It shall be the responsibility of the party calling the witness to secure the services of a notary public.

(6) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material. Requests for official recognition shall be by

motion and shall be considered in accordance with the provisions governing judicial notice in Sections 90.201-203, F.S.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07,_____.

28-106.214 Preserving Testimony Recordation.

(1) Responsibility for preserving the testimony at the final hearings shall be that of the agency transmitting the petition to the Division of Administrative Hearings pursuant to Sections 120.569 and 120.57, F.S., the agency whose rule is being challenged, or the agency whose action initiated the proceeding. Proceedings shall be recorded by a ~~certified~~-court reporter or by recording instruments.

(2) No later than 10 days prior to the final hearing, the agency shall notify the parties of the method by which the agency will record the testimony at the final hearing. Any party to a hearing may, at its own expense, provide a ~~certified~~-court reporter if the agency does not. The presiding officer may provide a ~~certified~~-court reporter. At hearings reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(3) If a transcript is prepared, the original document, not an electronic or facsimile copy, shall be filed with the presiding officer.

(4) No later than 15 days prior to any hearing, a party who needs a translator or interpreter in order to testify, present, or understand evidence, or otherwise fully participate in the hearing, shall give notice to all other parties. This notice shall include the name of the translator or interpreter the party intends to use, the nature of the translation or interpretation services needed, contact information for the translator or interpreter, and a disclosure of the relationship, if any, of the translator or interpreter to the person for whom translation or interpretation services will be provided. This notice shall be given by electronic mail, if possible. No later than 5 days prior to the hearing for which a party has given this notice, any other party may give notice of its objection to the proposed translator or interpreter. Such notice shall be provided to the proposed translator or interpreter, to the party who has proposed the translator or interpreter, and to all other parties and shall advise that the objecting party will provide, at its sole expense, a certified translator or interpreter instead of the translator or interpreter proposed by the other party. Any translator or interpreter must be administered an oath or affirmation before translating or interpreting testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 3-18-98,_____.

28-106.217 Exceptions and Responses.

(1) Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order except in proceedings conducted pursuant to Section 120.57(3), F.S. Exceptions shall identify the disputed portion of the recommended order by page number ~~and~~ or paragraph, shall identify the legal basis for the exception, and shall include any appropriate and specific citations to the record.

(2) Exceptions shall be provided to all parties by facsimile or electronic mail, if a facsimile number or e-mail address has been ~~is~~ provided, the day they are filed with the agency.

(3) through (4) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.301 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) No change.

(b) The name, address, any e-mail address, and telephone number of the petitioner, if the petitioner is not represented by an attorney or qualified representative; the name, address, e-mail address, facsimile number, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) through (h) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 12-24-07, _____.

28-106.303 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the action requested and the grounds relied upon. The original motion shall be filed with the presiding officer. When time allows, the other parties may, within seven days of service of a written motion, file a response in opposition. No reply to the response shall be permitted unless leave is sought from and given by the presiding officer. Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) All m~~m~~otions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state whether any party has an objection to the motion.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended _____.

28-106.306 Preserving Testimony ~~Recordation~~.

(1) Responsibility for preserving the testimony at the final hearings shall be that of the agency responsible for taking final agency action. Proceedings shall be recorded by a ~~certified~~ court reporter or by recording instruments.

(2) Any party to a hearing may, at its own expense, provide a ~~certified~~ court reporter if the agency does not. The presiding officer may provide a ~~certified~~ court reporter. At hearings reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(3) If a transcript is prepared, the original document, not an electronic or facsimile copy, shall be filed with the presiding officer.

(4) No later than 15 days prior to any hearing, a party who needs a translator or interpreter in order to testify, present or understand evidence, or otherwise fully participate in the hearing shall give notice to all other parties. This notice shall include the name of the translator or interpreter the party intends to use, the nature of the translation or interpretation services needed, contact information for the translator or interpreter, and a disclosure of the relationship, if any, of the translator or interpreter to the person for whom translation or interpretation services will be provided. This notice shall be given by electronic mail, if possible. No later than 5 days prior to the hearing for which a party has given this notice, any other party may give notice of its objection to the proposed translator or interpreter. Such notice shall be provided to the proposed translator or interpreter, to the party who has proposed the translator or interpreter, and to all other parties and shall advise that the objecting party will provide, as its sole expense, a certified translator or interpreter instead of the translator or interpreter proposed by the other party. Any translator or interpreter must be administered an oath or affirmation before translating or interpreting testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 3-18-98, _____.

28-106.402 Contents of Request for Mediation.

The request for mediation shall contain:

(1) The name, address, any e-mail address, and telephone number of the party requesting mediation and that of party's representative, if any; and

(2) A statement of the preliminary agency action;

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.404 Contents of Agreement to Mediate.

The agreement to mediate shall set forth:

(1) The names, addresses, any e-mail addresses, and telephone numbers of any persons who may attend the mediation;

(2) The name, address, e-mail address, and telephone number of the mediator agreed to by the parties;

(3) through (7) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

ADMINISTRATION COMMISSION

RULE NO.: 28-108.001
RULE TITLE: Petition for Exception to Uniform Rules of Procedure

PURPOSE AND EFFECT: The proposed rule amendment seeks to amend rule language to conform to present technology with respect to providing e-mail addresses.

SUMMARY: The rule is amended to conform to present technology.

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 Commission has determined that the rule amendment is not expected to require legislative ratification based on the fact that the rule is being amended to conform to present technology (provision of an e-mail address) and is not of a substantive nature.

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: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-108.001 Petition for Exception to Uniform Rules of Procedure.

(1) No change.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Register Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) through (c) No change.

(d) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(3) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-9-98, 1-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

ADMINISTRATION COMMISSION

RULE NO.: 28-110.004
RULE TITLE: Formal Written Protest

PURPOSE AND EFFECT: The proposed rule amendment, in order to conform with statutory language in subsection 120.57(3)(d)2, seeks to amend rule language to clarify language in the situation where the last day of the period allowed for filing a petition or bond falls on a weekend or state holiday.

SUMMARY: The rule is amended to conform with statutory language in subsection 120.57(3)(d)2.

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 Commission has determined that the rule amendment is not expected to require legislative ratification based on the fact that the rule amendment merely clarifies language in the situation where the last day of the period allowed for filing a petition or bond falls on a weekend or legal holiday in order to conform with statutory language in subsection 120.57(3)(d)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: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.57(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-110.004 Formal Written Protest.

(1) through (2) No change.

(3) The time allowed for filing a petition or a bond is not extended by mailing either document. If the last day of the period allowed for filing a petition or bond is a Saturday, Sunday, or state holiday, the period shall not run until the end of the next day that is not a Saturday, Sunday, or state holiday.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.57(5) FS. History--New 4-1-97, Amended 1-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

September 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

September 28, 2012

ADMINISTRATION COMMISSION

RULE NO.:

28-112.001

RULE TITLE:

Petition for Exception to Uniform Rules Relating to State Employment

PURPOSE AND EFFECT: The proposed rule amendment seeks to amend rule language to conform to present technology with respect to providing e-mail addresses.

SUMMARY: The rule is amended to conform to present technology.

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 Commission has determined that the rule amendment is not expected to require legislative ratification based on the fact that the rule is being amended to conform to present technology (provision of an e-mail address) and is not of a substantive nature.

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: 14.202, 110.201 FS.

LAW IMPLEMENTED: 110.201, 110.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment.

(1) No change.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Register Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) through (c) No change.

(d) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(3) No change.

Rulemaking Authority 14.202, 110.201 FS. Law Implemented 110.201, 110.217 FS. History--New 12-24-07, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Administration Commission
 NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Administration Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 18, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: September 28, 2012

Section III Notices of Changes, Corrections and Withdrawals

NONE

Section IV Emergency Rules

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16ER12-1	RULE TITLE: Immediate Notification of Compounding Status and Inspections
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA) are currently investigating a multi-state fungal meningitis and other infectious outbreak. The investigation involves collaboration with multiple local and state health departments. The investigation revealed that the outbreak resulted from a compounded drug – a contaminated (adulterated) steroid injection. The New England Compounding Center (NECC) located in Framingham, Massachusetts, compounded and distributed the contaminated, injectable product. As of November 19, 2012, the investigation has confirmed 490 infections and 34 deaths related to the adulterated steroid injection. The CDC has confirmed, in Florida alone, 24 cases of infections and 3 patient deaths. The investigation has further revealed that the NECC compounding facility lacked proper sanitary conditions.

As of November 8, 2012, there were 7,879 Florida licensed pharmacies authorized to compound. Pharmacies may compound either sterile or non-sterile products, excluding nuclear pharmaceuticals, without any additional permit or licensure requirements. However, the board has set standards for compounding sterile products. All permitted pharmacies are subject to inspection to determine compliance with the laws and rules regulating pharmacies. A non-resident pharmacy is a pharmacy physically located outside of Florida that is

registered with the board which allows the delivery of a dispensed medicinal drug into this state. As of November 8, 2012, Florida had 725 non-resident pharmacies. NECC is an example of a non-resident pharmacy. Non-resident pharmacies are only subject to inspections based on the laws and rules of the state in which they are physically located and in which they are licensed. Non-resident pharmacies are not required to produce inspection reports to the board.

A compounded product that is contaminated or adulterated or a compounding pharmacy which lacks proper sterile and sanitary environments, presents an immediate, clear, present danger to the welfare, health, and safety of the citizens of the state of Florida as manifested by the recent outbreak of infections and resulting deaths. Moreover, The State Surgeon General recently issued the emergency suspension of two Florida compounding pharmacies for improper sanitary and environmental controls. For the protection of the citizens' health, welfare and safety from continued proliferation of unsanitary or contamination compounding environments and distribution of contaminated products into this state, the board is in immediate need of comprehensive data: the specific compounding activities taking place at all permitted pharmacies and non-resident pharmacies. The rule is specifically designed to target, through inspection reporting requirements of non-resident pharmacies, to identify and minimize the immediate threat of contaminated products. The rule is also critical for identifying the high risk compounding activities in Florida pharmacies, so the department and board can prioritize inspections to minimize the immediate health and safety risks associated with unsanitary and unsterile compounding facilities in Florida.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: On November 14, the Board provided a public notice that the board would be holding a public meeting on November 20, 2012, to address compounding pharmacies. The board published the notice in the Florida Administrative Register. The Florida Administrative Register is available worldwide on the web. The agenda included the topic of requiring mandatory compounding reporting. The board placed the notice on the department website and provided a public notice of the agenda on the same website. On November 20, 2012, the board held a publicly noticed meeting for the purposes of addressing pharmacy compounding that included the necessity of this emergency rule. The board gave all interested parties the opportunity to provide input on pharmacy compounding and the rule. The parties present included counsels for pharmacy companies; state and national pharmacy associations; and individual pharmacy company representatives. Accordingly, the board provided all impacted parties sufficient notice of the intended action and provided a fair procedural opportunity for participation. Additionally, the board has directed that all pharmacies impacted by this emergency rule must be given

direct notice of the rule through electronic mail or via correspondence at the the address of record on file with the department.

SUMMARY: The rule requires all permitted and registered pharmacies immediately notify the board of its compounding activities. Based on the data, the board requires prioritizing inspections based on the risk level to the citizens of the state of Florida.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B16ER12-1 Immediate Notification of Compounding Status and Inspections.

All permitted and non-resident pharmacies shall, within 14 days of the effective date of this rule, report their compounding activities.

(1) All Pharmacies: The compounding status of all permitted and registered pharmacies shall be reported on form number DH-MQA 1308, Compounding Survey, herein adopted and incorporated by reference. The form is available at <http://survey.doh.state.fl.us/survey/entry.jsp?id=1353086689950>;

(2) Permitted Pharmacies: Based on the compilation of the data reported, inspections of permitted pharmacies required by Rule 64B16-28.101 shall be prioritized as follows: 1) Those pharmacies which only engage in compounding sterile products; 2) Those pharmacies which engage in the compounding of sterile and non-sterile products; 3) Those pharmacies which only engage in non-sterile compounding and those pharmacies which do not engage in compounding;

(3) Registered Non-Resident Pharmacies: All registered pharmacies must immediately provide a copy of their last two inspection reports that were required by the state in which the pharmacy is physically located and licensed. The board must receive the report within 14 days of the effective date of this rule.

(4) A failure to timely comply with this section shall constitute the basis for disciplinary action.

Rulemaking Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.0155, 465.0156(1)(c), (2), 465.017, 465.022, 465.023 FS. History—New 11-26-12.

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: November 26, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development

The Department of Economic Opportunity hereby gives notice: NAME OF PETITIONER: Hernando County DATE PETITION WAS FILED: August 28, 2012. It was assigned the number DEO-12-121.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Rule 9B-43.0041(1)(c), F.A.C., which was transferred to 73C-23.0041(1)(c), F.A.C. Requesting a waiver of the \$750,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 38, No. 40, October 1, 2012, issue of the Florida Administrative Register.

THE DATE OF THE ORDER APPROVING THE VARIANCE OR WAIVER: November 14, 2012.

THE GENERAL BASIS FOR THE AGENCY DECISION: Because the statutory basis for the cap was repealed, there was no authority to enforce the rule. Waiving the limit to allow greater grant amounts encourages economic development and the underlying purpose of the statute.

A copy of the Order or additional information may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399-4128, e-mail: miriam.snipes@deo.myflorida.com.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Subcommittee on Managed Marshes announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2013, 9:30 a.m.

PLACE: Merritt Island National Wildlife Refuge, Visitor Information Center, SR 406, P.O. Box 2683, Titusville, FL 32781

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly business and field trip of the Subcommittee on Managed Marshes.

A copy of the agenda may be obtained by contacting: Doug Carlson, (772)562-2393, Chairman, doug.carlson@irmosquito2.org.

For more information, you may contact: Doug Carlson, (772)562-2393, Chairman, doug.carlson@irmosquito2.org.

DEPARTMENT OF EDUCATION

State Board of Education

The Department of Education, Charter School Appeal Commission announces a hearing to which all persons are invited.

DATE AND TIME: December 10, 2012, 9:30 a.m.

PLACE: 325 W. Gaines Street, Conference Room 1721, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the Application denials of the following schools:

Innovations Educational Services, Inc. vs. Lake County School Board

The Northeast Charter Virtual School Board, Inc. and the Florida Virtual Academy at Marion County vs. Marion County School Board

The Northeast Charter Virtual School Board, Inc. and the Florida Virtual Academy at Duval County vs. Duval County School Board

Renaissance Charter School, Inc. and Renaissance Charter School at West Duval vs. Duval County School Board

A copy of the agenda may be obtained by contacting: The Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or by phone at (850)245-0502.

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: The Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or by phone at (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: The Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or by phone at (850)245-0502.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announces the following meetings for Tuesday, December 4, 2012, to which the public is invited. All meetings

of the Board will be held at the College's Betty P. Cook Nassau Center, 76346 William Burgess Blvd., Yulee, FL 32097.

STRATEGIC CONVERSATION:

DATE AND TIME: December 4, 2012, 12:30 p.m. – 2:00 p.m.

PLACE: Room T-117

GENERAL SUBJECT MATTER TO BE CONSIDERED: College Readiness. (Joint meeting with Nassau County School Board)

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: December 4, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Room T-126

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: December 4, 2012, 3:00 p.m. – 5:00 p.m.

PLACE: Room T-108

GENERAL SUBJECT MATTER TO BE CONSIDERED: As needed, College operational matters.

A copy of the agenda may be obtained by contacting: Kimberli Sodek.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, November 27, 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 December 4, 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. 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

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-2.021: Purpose

NOTICE OF RESCHEDULING A PUBLIC HEARING

The Department of Revenue announces a public hearing to which all persons are invited.

DATE AND TIME: December 11, 2012, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m. A notice of public meeting for the September 18, 2012, meeting of the Governor and Cabinet, was published in the September 7, 2012, (Vol. 38, No. 36, p. 3758), Florida Administrative Weekly.

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

Please refer to the Cabinet Agenda posted to the Department's Internet site at <http://dor.myflorida.com/dor/rules> prior to attending a meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rule for the following rule sections:

Rule Chapter 12-2, F.A.C. – Organization and General Information (Rules 12-2.021, 12-2.027, and 12-2.028, F.A.C.)

Rule Chapter 12-3, F.A.C. – General; Procedure (Rule 12-3.006, F.A.C.)

Rule Chapter 12-15, F.A.C. – Debt Collection Services (Rules 12-15.001, and 12-15.005, F.A.C.)

Rule Chapter 12-18, F.A.C. – Compensation for Tax Information (Rule 12-18.008, F.A.C.)

Rule Chapter 12-19, F.A.C. – Reports or Large Currency Transactions (Rule 12-19.001, F.A.C.)

Rule Chapter 12-22, F.A.C. – Confidentiality and Disclosure of Tax Information (Rules 12-22.001, 12-22.002, 12-22.003, 12-22.004, and 12-22.005, F.A.C.)

Rule Chapter 12-24, F.A.C. – Payment of Taxes and Submissions of Returns by Electronic Means; Taxpayer Recordkeeping and Retention Requirements (Rules 12-24.011, 12-24.028, and 12-24.030, F.A.C.)

Rule Chapter 12A-1, F.A.C. – Sales and Use Tax (Rules 12A-1.003, 12A-1.014, 12A-1.034, 12A-1.035, 12A-1.0371, 12A-1.038, 12A-1.039, 12A-1.044, 12A-1.056(4), 12A-1.059, 12A-1.061, 12A-1.064, 12A-1.0641, 12A-1.068, 12A-1.0911, and 12A-1.097(20), F.A.C.)

Rule Chapter 12A-3, F.A.C. – Tourist Development Tax (Rules 12A-3.001, 12A-3.002, and 12A-3.006, F.A.C.)

Rule Chapter 12A-8, F.A.C. – Dade County Convention Development Tax (Rules 12A-8.001 and 12A-8.002, F.A.C.)

Rule Chapter 12A-9, F.A.C. – Duval County Convention Development Tax (Rules 12A-9.001 and 12A-9.002, F.A.C.)

Rule Chapter 12A-10, F.A.C. – Volusia County Convention Development Taxes (Rules 12A-10.001 and 12A-10.002, F.A.C.)

Rule Chapter 12A-13, F.A.C. – Fee on the Sale or Lease of Motor Vehicles (Rules 12A-13.001 and 12A-13.002, F.A.C.)

Rule Chapter 12A-19, F.A.C. – Communications Services Tax (Rules 12A-19.050 and 12A-19.100(7), F.A.C.)

Rule Chapter 12B-5, F.A.C. – Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants (Rules 12B-5.090, 12B-5.100, 12B-5.150(13), and 12B-5.200, F.A.C.)

Rule Chapter 12B-7, F.A.C. – Severance Taxes, Fees, and Surcharges (Rules 12B-7.003, 12B-7.004, 12B-7.008, 12B-7.022, and 12B-7.026, F.A.C.)

Rule Chapter 12B-12, F.A.C. – Tax on Perchloroethylene (Rule 12B-12.007, F.A.C.)

Rule Chapter 12C-1, F.A.C. – Corporate Income Tax (Rule 12C-1.318, F.A.C.)

Rule Chapter 12C-2, F.A.C. – Intangible Personal Property Tax (Rules 12C-2.0115 and 12C-2.012, F.A.C.)

Rule Chapter 12C-3, F.A.C. – Estate Tax (Rule 12C-3.010, F.A.C.)

Rule Chapter 12E-1, F.A.C. – Child Support Enforcement (Rules 12E-1.001, 12E-1.002, 12E-1.003, 12E-1.004, 12E-1.005, 12E-1.009, 12E-1.013, 12E-1.015, 12E-1.016, 12E-1.017, 12E-1.019, 12E-1.020, 12E-1.024, 12E-1.025, and 12E-1.026, F.A.C.)

A copy of the agenda and the meeting materials may be obtained by going to the Department's Internet site at <http://dor.myflorida.com/dor/rules> or by contacting Tammy Miller at (850)617-8347.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TTY) or (800) 955-8770 (Voice).

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:

12A-1.005: Admissions

NOTICE OF PUBLIC HEARING

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

DATE AND TIME: December 11, 2012, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

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

Please refer to the Cabinet Agenda posted to the Department's Internet site at <http://dor.myflorida.com/dor/rules> prior to attending a meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to the rules listed below. These proposed rule amendments were noticed in the September 28, 2012 (Vol. 38, No. 39, pp. 4026-4047), Florida Administrative Weekly.

Rule Chapter 12A-1, F.A.C. – Sales and Use Tax (Rules 12A-1.005, 12A-1.0144, 12A-1.055, 12A-1.056, 12A-1.087, 12A-1.096, and 12A-1.097, F.A.C.)

A Notice of Change to Rule 12A-1.005, F.A.C. (Admissions), and Rule 12A-1.0144, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), published in the November 9, 2012 (Vol. 38, No. 69, p. 4929), Florida Administrative Register.

Rule Chapter 12A-17, F.A.C. – Registration as Secondhand Dealer or Secondary Metals Recycler (Rules 12A-17.001, 12A-17.003, and 12A-17.005, F.A.C.)

A Notice of Change to Rule 12A-17.005, F.A.C. (Public Use Forms), published in the November 16, 2012 (Vol. 38, No. 73, p. 5021), Florida Administrative Register.

Rule Chapter 12A-19, F.A.C. – Communications Services Tax (Rules 12A-19.010, 12A-19.041, 12A-19.070, and 12A-19.100, F.A.C.)

Rule Chapter 12B-5, F.A.C. – Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants (Rules 12B-5.020, 12B-5.130, and 12B-5.150, F.A.C.)

Rule Chapter 12B-8, F.A.C. - Insurance Premium Taxes, Fees and Surcharges (Rules 12B-8.002 and 12B-8.003, F.A.C.)

Rule Chapter 12C-1, F.A.C. – Corporate Income Tax (Rules 12C-1.0191, 12C-1.0193, 12C-1.0221, and 12C-1.051, F.A.C.)

A Notice of Change to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), published in the October 18, 2012 (Vol. 38, No. 53, p. 4466), Florida Administrative Register.

Rule Chapter 12C-2, F.A.C. – Intangible Personal Property Tax (Rules 12C-2.004, 12C-2.010, and 12C-2.0115, F.A.C.)

A copy of the agenda and the meeting materials may be obtained by going to the Department's Internet site at <http://dor.myflorida.com/dor/rules> or by contacting Tammy Miller at (850) 617-8347.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Tammy Miller at (850)617-8347. 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).

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: December 5, 2012, 3:30 p.m.

PLACE: Charles F. Justice Conference Room, North Central Florida Regional Planning Council, 2009 Northwest 67th Place, Gainesville, Florida.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

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

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

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

DATE AND TIME: December 12, 2012, 9:00 a.m.

PLACE: Bartow Public Library, 2nd Floor Conference Room, 2150 South Broadway Avenue, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Committees.

A copy of the agenda may be obtained by contacting: Kathryn Hall, Program Coordinator, at khall@cfRPC.org or visiting our website at 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "the Commission" and the Building Code Uniform Implementation Evaluation Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: PLEASE NOTE CORRECTED DATE: December 4, 2012, 8:30 a.m. until completion.

PLACE: Hilton at University of Florida, 1714 SW 34th Street, Gainesville, Florida 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED: (PLEASE NOTE CORRECTED DATE) The purpose of the meeting is to review and make recommendations on

Accessibility Waiver Applications, Introduction of Annual Commission Exercises: Workplan Prioritization Exercise and Effectiveness Assessment Survey, to review and make recommendations on requests for Declaratory Statements, and other business by the Commission.

Welcome and Opening, Roll Call

Review and Approval of Meeting Agenda

Review and Approval of Previous Meeting Minutes

Chair Discussion Issues

Introduction of Annual Commission Exercises: Workplan Prioritization Exercise and Effectiveness Assessment Survey Meeting Dates, Fiscal Year 2012-2014

Accessibility Waiver Applications:

a. 1676 James Avenue Hostel, 1676 James Avenue, Miami Beach

b. BeachComber Hotel, 1340 Collins Avenue, Miami Beach

c. Casanova Suites Miami, 524 Ocean Drive, Miami Beach

d. A1A Burrito Works, Inc., 608 S. Ocean Shore Boulevard, Flagler Beach

e. Lamers Bus Lines, 849 Industrial Drive, Wildwood

f. HarborWalk Village Zipline Attraction, 10 Harbor Boulevard, Destin

g. Baoli (VITA Restaurant)Miami Restaurant, 1908 Collins Avenue, Miami Beach

Applications for Product and Entity Approval

Applications for Accreditor and Course Approval

Petitions for Declaratory Statement

a. DS 2012 – 076 by W. W. Schaefer Engineering & Consulting, P.A.

b. DS 2012 – 081 by Advanced Manufacturing & Power Systems, Inc.

c. DS 2012-084 by Jose Diaz of MSA Architects, Inc. (Recommended for dismissal)

d. DS 2012 – 085 by Door & Access Systems Manufacturers Association International

Binding Interpretation # 80

Committee Reports

Public Comment

Adjourn

The Building Code Uniform Implementation Evaluation Workgroup to begin at 11:00 or at the completion of the Plenary Session, on December 4, 2012 at the same location with the following subjects:

Welcome and Opening

Agenda Review and Approval

Review and Approval of Meeting I Summary Report

Identification of Additional Issues Regarding Uniform Implementation of the Florida Building Code System, If Any

• Identification of Additional Issues by Workgroup members, in turn

Acceptability Ranking of Options in Turn

Options Evaluation Worksheet

General Public Comment

Next Steps: Agenda Items, Needed Information, Assignments, Date and Location

A copy of the agenda may be obtained by contacting: Refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772 or call (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. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 25555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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 http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772 or call (850)487-1824, FAX (850)414-8436, Website: www.floridabuilding.org.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Board of Pharmacy announces public meetings to which all persons are invited.

DATES AND TIMES: Tuesday, December 11, 2012, 9:00 a.m.; Wednesday, December 12, 2012, 8:00 a.m.

PLACE: Holiday Inn & Suites, 2725 Graves Road, Tallahassee, FL 32303, (850)536-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business

A copy of the agenda may be obtained by contacting: The Board of Pharmacy website: http://www.doh.state.fl.us/mqa/pharmacy/ph_meeting.html under "Agendas and Notices" 7 days prior to the meeting date. You may also contact: Board of Pharmacy, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 10 days before the workshop/meeting by contacting: Board of Pharmacy, (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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 Pharmacy, (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program

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

DATES AND TIMES: January 22-24, 2013, 9:00 a.m. – 5:00 p.m.; January 25, 2013, 9:00 a.m. – 12:00 p.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 4, Tallahassee, FL 32399-0700; (888)670-3525; participant code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #01H12GC1 – To Become the Community-Based Managing Entity for Substance Abuse and Mental Health Services in the Northwest Region: 2nd Week of Individual Negotiation Meetings – The purpose of these meetings will be to negotiate with the shortlisted Respondents for the delivery of services outlined in the solicitation document.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager; email: Adrian_Williams@dcf.state.fl.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program

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

DATE AND TIME: January 25, 2013, 1:00 p.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 4, Tallahassee, FL 32399-0700; (888)670-3525; participant code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #01H12GC1 – To Become the Community-Based Managing Entity for Substance Abuse and Mental Health Services in the Northwest Region: Meeting of Negotiators to Formulate Recommendation for Award – The purpose of this meeting is to provide an opportunity for the Department’s negotiators to discuss the Respondents with which they conducted negotiations, to determine their recommendation for award that will be presented to the Secretary.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, email: Adrian_Williams@dcf.state.fl.us.

FLORIDA SPORTS FOUNDATION

The Florida Sports Foundation Board of Directors announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 11, 2012, 10:00 a.m.

PLACE: Conference Call # (888)670-3525; participant passcode: 656 578 0871#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The promotion and development of sports within the state of Florida.

A copy of the agenda may be obtained by contacting: FL Sports Office Manager at info@flsports.com.

INWOOD CONSULTING ENGINEERS, INC.

This notice has nothing to do with any rule or rulemaking process.

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

DATE AND TIME: Tuesday, December 18, 2012

Open House: 5:30 p.m.

Presentation(s): 6:30 p.m.

PLACE: Congregation Ohev Shalom, 613 Concourse Parkway South, Maitland, Florida 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Financial Management No. 424217-1-22-01
 Project Description: Maitland Boulevard (SR 414) from east of I-4 (Hope Road) to Maitland Avenue (CR 427) in Orange County
 A copy of the agenda may be obtained by contacting David Graeber at dgraeber@inwoodinc.com or (407)971-8850.
 This workshop is being held as an open house with a presentation at 6:30 p.m. Information on the alternatives being considered to widen Maitland Boulevard from four lanes to six lanes will be available at the workshop. Study representatives will be available during the workshop to discuss the project and answer questions. FDOT welcomes and appreciates everyone's participation in the study. Additional information on the project is also available on www.Maitland-SR414.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 by contacting: Mr. David Cooke at (386) 943-5404.
 Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require translation services (free of charge) should contact: Mr. David Cooke at the phone number above.
 If you are hearing or speech impaired, please contact the agency using the Florida Relay Services, (800)955-8771 (TDD) or (800)955-8770 (Voice).
 FOR MORE INFORMATION, YOU MAY CONTACT: Mr. David Cooke, the FDOT Project Manager at (386)943-5404 or e-mail at david.cooke@dot.state.fl.us.

MCNEIL CARROLL ENGINEERING

The Florida Department of Transportation, District 3 announces a public meeting to which all persons are invited.
 DATE AND TIME: December 13, 2012, 5:30 p.m. – 6:30 p.m. EST
 PLACE: Apalachicola City Hall, 1 Bay Avenue, Apalachicola, Florida 32320

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning proposed improvements to State Road 30 from County Road 384 (12th Street) to the Apalachicola River Bridge. The meeting provides participants an opportunity to preview the proposed design, ask questions, and/or submit comments concerning the upcoming project. Maps, drawings, and other information will be on display. There will be no formal presentation or testimony period. Representatives from FDOT and McNeil Carroll Engineering, Inc. (consultant engineer) will be available to answer questions and explain the proposed improvements.

A copy of the agenda may be obtained by contacting: Alaina Webb, E.I., FDOT Project Manager, toll-free at (888)638-0250, extension 447, or via email at alaina.webb@dot.state.fl.us. You may also contact Tim Smith, P.E., District Consultant Project Manager, toll-free at (888)638-0250, extension 513, or via email at tim.smith@dot.state.fl.us.

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

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

NONE

**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**

11TH JUDICIAL CIRCUIT
RFP2012-01 Batterer’s Intervention Program (BIP) Service Providers

ADVERTISEMENT NOTICE

The Eleventh Judicial Circuit of Florida (“Circuit”) seeks sealed proposals from qualified entities (“Proposers”) to provide, as a batterers’ intervention program (“BIP”) service provider (“BIP Service Provider”), services to address domestic violence issues in Miami-Dade County, Florida. Such services will include, but are not limited to: (i) helping batterers take responsibility for their acts of violence; (ii) emphasizing alternative behaviors by teaching skills to control violent and abusive behavior; and (iii) collaborating with other community-based providers to facilitate substance abuse treatment, educational, and employment opportunities for batterers.

In view of the high incidence of domestic violence related crimes in Miami-Dade County and the need to have qualified BIP Service Providers to provide certain services in an effort to reduce the incidence of such crimes, the Circuit, along with local justice system and social service agencies developed the "Batterers’ Intervention Program (“BIP”) Service Provider Application" and the "Batterers’ Intervention Program (“BIP”) Minimum Certification Standards” that comprise the Request for Proposals for Batterers’ Intervention Program (“BIP”) Service Providers (“RFP #2012-01”).

RFP # 2012-01 will be available November 16, 2012 on the Eleventh Judicial Circuit’s website at www.jud11.flcourts.org under the heading "RFP #2012-01 Batterers’ Intervention Program (“BIP”) Service Providers." Deadline for receipt of sealed proposals is December 14, 2012.

**Section XII
Miscellaneous**

DEPARTMENT OF CITRUS
Compliance Economic Review: Group 1
RULE NO.: RULE TITLE:
20-9.001: Fresh Form
20-9.002: Processed Form
20-9.003: Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse or Processing Plant, or to a Fresh Fruit Juice Distributor

20-9.004: Fruit Handled by Express and Gift Package Shippers
 20-9.006: Late Filing of Returns and Inadequacy of Bond

The 2011 Legislature enacted Section 120.745, Florida Statutes, which requires each agency to identify each rule that meets the criteria for a Compliance Economic Review (CER). The results of the Department’s “Group 1” Compliance Economic Review can be located on the Department’s website: www.fdocgrower.com/2012/04/compliance-economic-review-2012-group-1/.

Pursuant to Section 120.541, Florida Statutes, within 21 days after publication of this report any substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a “Group 1” rule which substantially accomplishes the objectives of the law being implemented. All proposals for a lower cost regulatory alternative to the “Group 1” rules must be submitted in writing to William E. Roberts, Attorney, Office of General Counsel, at 605 East Main Street, P.O. Box 9010, Bartow, Florida, 33831, by email wroberts@citrus.state.fl.us or by fax at (877)352-2487. The proposals must explain how the lower cost and objectives of the law will be achieved by the proposed alternative. Within 21 days upon receipt of the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs, or shall revise its prior statement of estimated regulatory costs and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the rule.

If you have any questions please contact William Roberts at (863)537-3953.

This notice certifies completion of the Compliance Economic Review: Group 1 by the Florida Department of Citrus.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On November 26, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Cindi J. Finnegan, R.N., License # RN 9259961. 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.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On November 26, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Kim Louise Avery, R.N., License # RN 9237356. 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.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On November 26, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michael Stanley Bryant, L.P.N, License # PN 1221881. 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 19, 2012
 and November 21, 2012

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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PUBLIC SERVICE COMMISSION

25-7.059	11/19/12	12/9/12	38/30	
25-7.071	11/19/12	12/9/12	38/30	

DEPARTMENT OF CORRECTIONS

33-601.731	11/19/12	12/9/12	38/50	
33-601.800	11/19/12	12/9/12	38/50	
33-601.830	11/19/12	12/9/12	38/50	

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.603	11/21/12	12/11/12	38/30	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-2.014	11/21/12	12/11/12	38/46	
64B5-2.0142	11/21/12	12/11/12	38/46	
64B5-2.0144	11/21/12	12/11/12	38/46	
64B5-2.0146	11/21/12	12/11/12	38/48	
64B5-9.011	11/21/12	12/11/12	38/48	

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	
62-304.610	8/20/12	*****	35/31	38/23
62-304.900	11/21/12	*****	38/39	

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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