

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

**DEPARTMENT OF HEALTH**

**School Psychology**

**RULE NO.:** RULE TITLE:  
64B21-500.002 Application Form Required for Licensure  
**PURPOSE AND EFFECT:** The Department proposes the rule amendment in order to incorporate the revised school psychologist licensure application into the current rule.  
**SUBJECT AREA TO BE ADDRESSED:** School Psychologist licensure application.  
**RULEMAKING AUTHORITY:** 490.015 FS.  
**LAW IMPLEMENTED:** 490.005(2), 490.006 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Allen Hall, Executive Director, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

## Section II Proposed Rules

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** RULE TITLE:  
33-401.401 Use of Tobacco Products  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to clarify current language in the rule, to clarify which inmates are prohibited from possessing tobacco products, and to add language to establish limits on the possession of tobacco products by inmates in a Community Release Program.  
**SUMMARY:** Rulemaking was initiated to clarify the rule and establish limits on the possession of tobacco products by inmates in a Community Release Program.  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**  
The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the

aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

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

**RULEMAKING AUTHORITY:** 944.09, 944.115 FS.  
**LAW IMPLEMENTED:** 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 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:** Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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

33-401.401 Use of Tobacco Products.

(1) through (5) No change.

(6) All inmates at all state correctional facilities, with the exception of those participating in a community release program under Rule 33-601.602, F.A.C., or as otherwise provided in subsection (7) of this rule, ~~in administrative confinement, disciplinary confinement, close management, and maximum management housing at all institutions~~ shall not be allowed to possess any tobacco products or lighters.

(7) Inmates on death row shall ~~not be limited to~~ purchase more than two (2) of 2 packages of smokeless tobacco products per week and shall not exceed the possession limit of two (2) 2 packages. Inmates assigned to a Community Release Program in accordance with "Community Release Programs," Rule 33-601.602, F.A.C., shall not possess more than ten (10) packs of cigarettes, or ten (10) packages of smokeless tobacco products, or twenty (20) individual cigars, and one (1) non Bic-style disposable lighter at any time while on the property of a state correctional facility.

(8) through (9) No change.

Rulemaking Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History- New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03, 6-18-08, 10-1-11, 6-18-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James Upchurch, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Michael D. Crews, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 19, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: July 8, 2013

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:           RULE TITLE:  
59G-13.015        Adult Cystic Fibrosis Waiver Services  
                          Procedure Codes and Fee Schedule

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39 No. 137, July 16, 2013 issue of the Florida Administrative Register.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.:           RULE TITLE:  
61-35.026        Florida Real Estate Appraisal Departmental  
                          Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 106, May 31, 2013 issue of the Florida Administrative Register.

61-35.026 Florida Real Estate Appraisal Departmental Forms.

The following Florida Real Estate Appraisal forms can be obtained at [www.myfloridalicense.com/dbpr/](http://www.myfloridalicense.com/dbpr/) or by contacting the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0790, (850) 487-1395.

- (1) No change.
- (2) APPRAISERS –
  - (a) through (c) No change.
  - (d) Persons applying for a non-resident temporary practice permit shall use Form DBPR FREAB 13, Application for Non-resident Temporary Practice Permit, effective ~~July 2013~~ ~~February 2013~~, is adopted and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03051> <http://www.flrules.org/Gateway/reference.asp?No=Ref-01986>.

- (e) through (j) No change.
- Rulemaking Authority 455.2035, 455.213 FS. Law Implemented 455.213, 455.275, 475.615, 475.6221, 475.623, 475.6235 475.630 FS. History–New 12-23-12, Amended.

Form DBPR FREAB 13, “Application for Non-resident Temporary Practice Permit,” effective February 2013 is amended as follows:

On page 1: The citation for the definition of a “federally related transaction” has been updated to Section 475.611(1)(p).

The Instructions section has been updated to include notices that:

“Email addresses provided to the Board are public record”, and;

“Providing contact information and business contact information is voluntary.”

The date for the form is updated in the footer to read “2013 July.”

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:           RULE TITLE:  
65C-16.002        Adoptive Family Selection

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 81, April 25, 2013 issue of the Florida Administrative Register has been withdrawn.

**Section IV**  
**Emergency Rules**

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice: it has issued an order granting a variance.

Petitioner's Name: Pierre LeBlanc – File Tracking No. 13-4165

Date Petition Filed: June 10, 2013

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: June 12, 2013

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice: it has issued an order granting a variance.

Petitioner's Name: Tampa Hillsborough Expressway Authority – File Tracking No. 13-4162

Date Petition Filed: May 17, 2013

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: May 22, 2013

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

Section VI  
Notice of Meetings, Workshops and Public  
Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Florida Department of State, Division of Historical Resources announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 31, 2013, 1:00 p.m. – conclusion

PLACE: R.A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Historical Commission will hold its July meeting for the purposes of conducting commission business and assisting the Division of Historical Resources in carrying out the purposes, duties, and responsibilities of the division.

A copy of the agenda may be obtained by contacting: Celeste Ivory at 1(800)847-7278 or email: Celeste.Ivory@DOS.MyFlorida.com.

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

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

For more information, you may contact: Celeste Ivory at 1(800)847-7278 or email: Celeste.Ivory@DOS.MyFlorida.com.

STATE BOARD OF ADMINISTRATION

The Investment Advisory Council (IAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 6, 2013, 2:00 p.m. – until conclusion of business

PLACE: The Hermitage Centre, Conference Room 116, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review and discussion of proposed changes to the Florida Retirement System Defined Benefit Plan Investment Policy Statement. The IAC is a nine-member advisory council, which

reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, (850)413-1253 or [diane.bruce@sbafla.com](mailto:diane.bruce@sbafla.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: James Linn, (850)413-1166 or [james.linn@sbafla.com](mailto:james.linn@sbafla.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### REGIONAL PLANNING COUNCILS

##### East Central Florida Regional Planning Council

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

DATE AND TIME: August 9, 2013, 10:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council located at 309 Cranes Roost Blvd., Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Material related to EPCRA Community right to know.

A copy of the agenda may be obtained by contacting Tim Kitchen, (407)262-7772 or [tkitchen@ecfrpc.org](mailto:tkitchen@ecfrpc.org).

#### REGIONAL PLANNING COUNCILS

##### Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's One Bay Livable Communities Working Group announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2013, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the One Bay Livable Communities Working Group.

A copy of the agenda may be obtained by contacting: Mr. Avera Wynne, (727)570-5151, ext. 30 or [avera@tbrpc.org](mailto:avera@tbrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, (727)570-5151, ext. 22 or [wren@tbrpc.org](mailto:wren@tbrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### WATER MANAGEMENT DISTRICTS

##### Southwest Florida Water Management District

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

DATE AND TIME: August 7, 2013, 9:00 a.m.

PLACE: 7601 Hwy 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at [www.watermatters.org/calendar/calendar.php/](http://www.watermatters.org/calendar/calendar.php/)

A copy of the agenda may be obtained by contacting: Carol Lynch, (813)985-7481, ext. 2004.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, ext. 4702, TDD (FL only), 1(800)231-6103 or email, [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### NAVIGATION DISTRICTS

##### West Coast Inland Navigation District

RULE NO.: RULE TITLE:

66A-2.003 Policy

The West Coast Inland Navigation District announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 26, 2013, 9:30 a.m.

PLACE: Venice City Hall, 401 W. Venice Avenue, Venice, FL 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda may be obtained by contacting: WCIND, 200 E. Miami Avenue, Venice, FL 34285.

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 ECONOMIC OPPORTUNITY

##### Division of Workforce Services

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

DATE AND TIME: Tuesday, July 30, 2013, 1:00 p.m. – 4:00 p.m.

PLACE: Workforce Florida, Inc., 1580 Waldo Palmer Lane, Suite 1, Tallahassee, Florida 32308 or by Conference Call Dial-in Number: 1(888)670-3525, Conference Code: 2967573617

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Ongoing meeting of the Executive Steering Committee for the Workforce Information Technology Procurement Project.

A copy of the agenda may be obtained by contacting: Mable Hicks at: mable.hicks@deo.myflorida.com.

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

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**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Division of Community Development

The Department of Economic Opportunity announces a hearing to which all persons are invited.

**DATE AND TIME:** Tuesday, August 6, 2013, 1:00 p.m.

**PLACE:** The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399, Telephone (850)717-8450

Teleconference Number: 1(888)670-3525, Participant Code: 7003422410 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Economic Opportunity announces a Public Hearing to receive input on the Weatherization Assistance Program (WAP) State Plan for federal fiscal year (FFY) 2013.

A copy of the agenda may be obtained by contacting: Mr. Norm Gempel, Planning Manager, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120. Copies may also be obtained by telephoning (850)717-8467 by fax at (850)488-2488 or by appearing in person at the agency headquarters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Norm Gempel, Planning Manager, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120. Copies may also be obtained by telephoning (850)717-8467 by fax at (850)488-2488 or by appearing in person at the agency headquarters. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Norm Gempel, Planning Manager, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120. Copies may also be obtained by telephoning (850)717-8467 by fax at (850)488-2488 or by appearing in person at the agency headquarters.

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**NORTHWOOD SHARED RESOURCE CENTER**

The Northwood Shared Resource Center (NSRC) Executive Director Selection Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** July 31, 2013, 3:00 p.m. – 4:00 p.m.

**PLACE:** Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe Street, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Enhancement of KSAs and other job requirements, etc. for the Executive Director position. Discussion on re-advertisement of the Executor Director position.

A copy of the agenda may be obtained by contacting: Jane Geier at (850)487-9442 or by email: jane.geier@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jane Geier at (850)487-9442 or by email: jane.geier@nsrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jane Geier at (850)487-9442 or by email: jane.geier@nsrc.myflorida.com.

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**PARSONS BRINCKERHOFF**

The Florida Department of Transportation, District One announces a hearing to which all persons are invited.

**DATE AND TIME:** Tuesday, July 30, 2013, 5:00 p.m. – 7:00 p.m.

**PLACE:** St. Finbarr Catholic Church, 13520 Tamiami Trail East, Naples, FL 34114

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This public hearing will inform interested people about the proposed improvements and access management changes on US 41 from Greenway Road to Six L's Farm Road in Collier County. The improvements will widen 2.4 miles of US 41 from two lanes to four lanes with a median. The improvements include a sidewalk on the north side and a multi-use path on the south side, as well as drainage facilities. The

improvements are designed to accommodate future widening to six lanes.

Financial Project ID No.: 415621-3-52-01

A copy of the agenda may be obtained by contacting: Robin Parrish, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809, (863)519-2675 or robin.parrish@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Robin Parrish, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809, (863)519-2675 or robin.parrish@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Joseph M. Lauk, P.E., Senior Project Manager, at (863)519-2251 or joe.lauk@dot.state.fl.us.

### Section VI

#### Notice of Petitions and Dispositions Regarding Declaratory Statements

AGENCY FOR HEALTH CARE ADMINISTRATION  
 NOTICE IS HEREBY GIVEN that Agency for Health Care Administration has declined to rule on the petition for declaratory statement filed by Armor Correctional Health Care Services, Inc. on April 16, 2013. The following is a summary of the agency's declination of the petition:

Notice of Final Order Denying Declaratory Statement notice is hereby given that on July 15, 2013, the Agency for Health Care Administration (the "Agency" or "AHCA") issued the Final Order Denying Petition for Declaratory Statement filed by Armor Correctional Health Care Services, Inc. ("Petitioner") on April 16, 2013. The following is a summary of the Agency's disposition of the petition. Case No.: 13-01DS. The Agency determined that the Petitioner's request for the issuance of a declaratory statement should be denied; and respectfully declined to respond to the four (4) queries presented for the following reasons. First, the Petitioner sought a statement that was beyond the scope permitted by section 120.565(1), Florida Statutes. Second, the Petition improperly labeled and referred to the "incarceration span" as an Agency rule, and asked for a declaration that the "rule" violated Section 409.9025(1), Florida Statutes. Third, the Petition failed to comply with the provisions of rule 28-105.001, Florida Administrative Code, as the Petitioner sought a declaratory statement on whether the incarceration span

violated a law. Fourth, query number four (4) in the Petition appeared to request legal advice. A copy of the Final Order Denying the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop #3, Tallahassee, Florida 32308, Telephone: (850)412-3671, Email: Richard.Shoop@ahca.myflorida.com.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Richard Shoop, Esquire, Agency Clerk.

### Section VIII

#### Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

### Section IX

#### Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

### Section X

#### Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

### Section XI

#### Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

JB-13006000

NOTICE TO PROFESSIONAL CONSULTANTS

DIVISION OF REAL ESTATE DEVELOPMENT

AND MANAGEMENT  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
ARCHITECTURAL SERVICES

The Department of Management Services (DMS), Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: JB 13006000  
PROJECT NAME: Facilities Repairs, Renovations and Improvements of State Courts  
PROJECT LOCATION: Tallahassee, Florida  
SHORTLIST DATE: August 21, 2013  
INTERVIEW DATE: September 24, 2013  
ESTIMATED CONSTRUCTION BUDGET: \$4,700,000.00  
Please visit the Department's website [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu) and click on "Search Advertisements" – "Division of Real Estate Development and Management". Look for "Opportunities for Design and Construction Firms" and click on link.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BDC03-13/14 Florida Keys Overseas Heritage Trail –  
KempChannel Historic Bridge  
NOTICE OF INVITATION TO BID  
STATE OF FLORIDA  
BID NO. BDC01-13/14

The Department of Environmental Protection, Office of Operations, Bureau of Design and Construction is soliciting formal competitive bids from Contractors certified by the Florida Department of Transportation in R&R Major Bridge – Steel Truss Construction; R&R Major Bridge – Concrete Segmental Construction; R&R Major Bridge – Bridges of Conventional Construction which are over a water opening of 1,000 feet or more; Major Bridge - Steel Truss Construction Flexible Paving Bridge Deck Overlays.

PROJECT NAME: Florida Keys Overseas Heritage Trail – Kemp Channel Historic Bridge (MM23.6) Span Replacement  
SCOPE OF WORK: The Contractor will provide the necessary labor, materials, equipment, and supervision to replace missing spans and work is to include navigational lighting, picket rail installation, milling and resurfacing, joint cleaning and resealing, rail retrofit and pavement stripping. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$1,250,000.00  
LOCATION: Florida Keys Overseas Heritage Trail (MM23.6)

PROJECT MANAGER: Todd McGee, Florida Keys Overseas Heritage Trail State Park, 3 LaCroix Court, Key Largo, Florida 33037, telephone number: (305)853-3571.

INSTRUCTIONS: Documents for this bid will be available for download on Tuesday, July 23, 2013. Any firm desiring a Project Manual for this project may obtain directions by emailing [susan.maynard@dep.state.fl.us](mailto:susan.maynard@dep.state.fl.us) or [mike.renard@dep.state.fl.us](mailto:mike.renard@dep.state.fl.us). If preferred, a compact disc (CD) containing the plans and specifications can be obtained by calling the Contracts Section at (850)245-2632, (850)245-2630 or emailing the addresses above.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633 Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) prior to the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)245-2630 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m. (ET), Tuesday, August 27, 2013 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)245-2630. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 4:00 p.m. (ET), Tuesday, September 17, 2013 unless extended by the Department for good cause.

**NOTICE OF RIGHTS;** Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, FAX (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

## Section XII Miscellaneous

### DEPARTMENT OF EDUCATION

University of Florida

#### ANNOUNCING CALL FOR APPLICATIONS UNIVERSITY OF FLORIDA'S SMALL BUSINESS MENTORING INITIATIVE

The University of Florida Small Business Mentoring Initiative Steering Committee announces a call for applications from potential mentors and potential protégés for participation in the University of Florida's Small Business Mentoring Initiative. The Steering committee will review submitted applications meeting the criteria for submission in order to make a decision regarding firms that will be selected to participate in this year's (FY 2013-2014) initiative. The mentoring initiative has been expanded to include the selection of non-construction related mentor/protégé pairings (e.g. commodities to commodities or commodities to services pairing) and selection of one or more pairs of Consultant Firms (e.g. Architectural and/or Engineering firms) for

participation in this initiative. Firms wishing to be considered for participation in the University of Florida's Small Business Mentoring Initiative should complete an application and submit it by mail, e-mail or fax, no later than August 16, 2013, to the following:

University of Florida  
Small Business & Vendor Diversity Relations  
109 Elmore Hall, P.O. Box 115250  
Gainesville, FL 32611-5250  
e-mail: [dmannin@ufl.edu](mailto:dmannin@ufl.edu)  
Fax: (352)846-2637

This initiative is designed to promote small-business development, enhance business knowledge and experience, foster increased business capacity, and provide small businesses access to opportunities at the University of Florida.

An event to kick off this phase of the 2013-2014 Mentoring Initiative will take place at 3:00 p.m. on Thursday, August 1, 2013, at the Hilton University of Florida Conference Center, 1714 SW 34<sup>th</sup> Street, Gainesville, Florida 32607. Firms planning to attend this event should RSVP to Ms. Darlean Manning, Small Business & Vendor Diversity Relations Division, via phone (352)392-0380 or e-mail, [dmannin@ufl.edu](mailto:dmannin@ufl.edu).

Additional information regarding the Mentoring Initiative, including application and criteria for submission, may be obtained by accessing the Small Business & Vendor Diversity Division's website at [www.sbvdr.admin.ufl.edu](http://www.sbvdr.admin.ufl.edu), or by contacting the Small Business & Vendor Diversity Relations Division at (352)392-0380, [SBVDR@admin.ufl.edu](mailto:SBVDR@admin.ufl.edu).

### DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Orders: DEO-13-057 and DEO-13-059

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-13-057 and Final Order No. DEO-13-059 on July 19, 2013, in response to applications submitted by Thornhill Village Homeowners Association, Inc. and Berkeley Homeowners Association, Inc., respectively, for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department determined that the applications met the statutory requirements for covenant revitalization. Accordingly, the Department's Final Orders approved the two applications for covenant revitalization. Copies of the final orders may be obtained by writing to Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [miriam.snipes@deo.myflorida.com](mailto:miriam.snipes@deo.myflorida.com).



**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

RULES FILED BETWEEN July 15, 2013  
and July 19, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-1.099811	7/17/13	8/6/13	39/101	
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**DEPARTMENT OF CORRECTIONS**

33-401.105	7/17/13	8/6/13	39/118	
33-401.701	7/17/13	8/6/13	39/118	
33-601.104	7/16/13	8/5/13	39/114	

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

40A-1.004	7/17/13	8/6/13	39/91	
40A-1.0045	7/17/13	8/6/13	39/91	
40A-1.203	7/17/13	8/6/13	39/91	
40A-1.205	7/17/13	8/6/13	39/91	
40A-1.206	7/17/13	8/6/13	39/91	
40A-6.011	7/17/13	8/6/13	39/93	
40A-6.101	7/17/13	8/6/13	39/93	
40A-6.321	7/17/13	8/6/13	39/93	
40A-6.331	7/17/13	8/6/13	39/93	
40A-6.351	7/17/13	8/6/13	39/93	
40A-6.481	7/17/13	8/6/13	39/93	
40A-6.901	7/17/13	8/6/13	39/93	
40A-44.021	7/17/13	8/6/13	39/98	
40A-44.041	7/17/13	8/6/13	39/98	
40A-44.052	7/17/13	8/6/13	39/98	
40A-44.091	7/17/13	8/6/13	39/98	
40A-44.101	7/17/13	8/6/13	39/98	
40A-44.142	7/17/13	8/6/13	39/98	
40A-44.321	7/17/13	8/6/13	39/98	
40A-44.341	7/17/13	8/6/13	39/98	
40A-44.351	7/17/13	8/6/13	39/98	
40A-44.411	7/17/13	8/6/13	39/98	
40A-44.451	7/17/13	8/6/13	39/98	
40A-44.901	7/17/13	8/6/13	39/98	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Suwannee River Water Management District**

40B-1.706	7/19/13	*****	39/57	
40B-1.901	7/19/13	*****	39/57	

**\*\*\*Note: Rules filed under Chapter 40B above, will become effective upon the date that amendments to Chapter 62-330 take effect.**

**St. Johns River Water Management District**

40C-1.1009	7/18/13	*****	39/51	
40C-1.135	7/18/13	*****	39/51	
40C-1.602	7/18/13	*****	39/51	
40C-1.603	7/18/13	*****	39/51	
40C-1.608	7/18/13	*****	39/51	
40C-1.612	7/18/13	*****	39/51	
40C-4.091	7/18/13	*****	39/51	
40C-41.011	7/18/13	*****	39/51	
40C-41.023	7/18/13	*****	39/51	
40C-41.043	7/18/13	*****	39/51	
40C-41.051	7/18/13	*****	39/51	
40C-41.063	7/18/13	*****	39/51	
40C-42.091	7/18/13	*****	39/51	
40C-44.011	7/18/13	*****	39/51	
40C-44.021	7/18/13	*****	39/51	
40C-44.041	7/18/13	*****	39/51	
40C-44.051	7/18/13	*****	39/51	
40C-44.061	7/18/13	*****	39/51	
40C-44.065	7/18/13	*****	39/51	
40C-44.066	7/18/13	*****	39/51	
40C-44.071	7/18/13	*****	39/51	
40C-44.091	7/18/13	*****	39/51	
40C-44.101	7/18/13	*****	39/51	
40C-44.301	7/18/13	*****	39/51	

**\*\*\*Note: Rules filed under Chapter 40C above, will become effective upon the date that amendments to Chapter 62-330 take effect.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

61G1-11.012	7/18/13	8/7/13	39/118	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Cosmetology**

61G5-30.006	7/15/13	8/4/13	39/110	
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**Board of Accountancy**

61H1-27.001	7/18/13	8/7/13	39/113	
61H1-31.014	7/18/13	8/7/13	39/113	
61H1-33.003	7/18/13	8/7/13	39/113	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-4.001	7/16/13	*****	39/90	
62-4.050	7/16/13	*****	39/90	
62-4.200	7/16/13	*****	39/90	
62-113.100	7/16/13	*****	39/86	

\*\*\*Note: Rules filed under Chapter 62 above, will become effective upon the date that amendments to Chapter 62-330 take effect.

**Beaches and Coastal Systems**

62B-36.001	7/16/13	8/5/13	39/58	
62B-36.002	7/16/13	8/5/13	39/58	
62B-36.003	7/16/13	8/5/13	39/58	
62B-36.005	7/16/13	8/5/13	39/58	
62B-36.006	7/16/13	8/5/13	39/58	
62B-36.007	7/16/13	8/5/13	39/58	
62B-36.009	7/16/13	8/5/13	39/58	

**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-1.007	7/16/13	8/5/13	39/98	
64B8-4.009	7/16/13	8/5/13	39/98	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Nursing Home Administrators**

64B10-15.001	7/19/13	8/8/13	39/60	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

69B-228.180	7/15/13	8/4/13	39/33	
69B-228.220	7/15/13	8/4/13	39/33	

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

69K-33.001	7/16/13	8/5/13	39/109	
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**Division of Worker's Compensation**

69L-6.012	7/18/13	8/7/13	39/50	
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**LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO CHAPTER 2010-279, LAWS OF FLORIDA**

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

64J-2.006	7/12/13	*****	39/29	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

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