

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

#### Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-11.001	Definitions
61D-11.002	Cardroom Games
61D-11.0025	Notification in Writing
61D-11.003	Card-Play Hands
61D-11.004	Dealer Responsibilities
61D-11.005	Prohibitions
61D-11.006	Inspection of Premises, Records
61D-11.007	Cardroom Operator License
61D-11.008	Cardroom Business Occupational License
61D-11.009	Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License
61D-11.011	Notification of Criminal Conviction or Charge
61D-11.012	Duties of Cardroom Operators
61D-11.013	Display of Identification and Possession of Occupational Licenses
61D-11.014	Cards
61D-11.0145	Dominoes
61D-11.0149	Dominoes Supervisors
61D-11.015	Chips and Tokens
61D-11.016	Card and Domino Tables
61D-11.0175	Count Rooms and Count Procedures
61D-11.018	Reporting Requirements to Determine Net Proceeds or Gross Revenues
61D-11.019	Internal Control System
61D-11.020	Drop Box and Key Control Procedures
61D-11.021	Tip Box Procedures
61D-11.022	Cardroom Imprest Bank and Card Table Imprest Tray
61D-11.024	Rake Procedures
61D-11.025	Cardroom Electronic Surveillance
61D-11.0251	Security Plans
61D-11.0275	Tournaments
61D-11.0279	Jackpots, Prizes, and Giveaways
61D-11.031	Cashiers' Cage

**PURPOSE AND EFFECT:** The purpose and effect will be to implement changes in the rules listed above to implement the newly amended provisions of Section 849.086, Florida Statutes. The amendments are the result of Senate Bill 622, which gave an effective date of July 1, 2010, for Chapter

2010-170, Laws of Florida. Rules will also be updated and clarified to implement other provisions of Section 849.086, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The amendments to Section 849.086, Florida Statutes, contained in Chapter 2010-170, Laws of Florida, will increase the operating hours of licensed cardrooms at pari-mutuel wagering facilities and significantly increase the amounts wagered on poker and dominoes conducted at those facilities. The amendments also provide for changes in licensing rules. Adjustments to these rules will be required because some provisions contained in the rules listed above are in conflict with the amended statute. A number of changes will also be required for accounting, security, and internal control issues. The division will also consider changes in licensing rules allowed by the amendments. There is also a need to update and clarify some of the above-listed rules. Rule 61D-11.031 is being created and includes minimum accounting, internal control, and security requirements for cashiers' cages.

**RULEMAKING AUTHORITY:** 550.0251(12), 849.086(4), (5), (6), (11) FS.

**LAW IMPLEMENTED:** 849.086 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:**

**DATES AND TIMES:** February 12, 2013, 9:00 a.m. – 5:00 p.m., and February 13, 2013, 9:00 a.m. – 5:00 p.m.

**PLACE:** Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-818.002	Definitions
62-818.003	General Requirements and Eligibility Standards

62-818.007	Project Evaluation Criteria
62-818.009	Project Approval
62-818.011	Preparation and Acceptance of the Management Plan
62-818.014	Modification to Expand the Project Boundary
62-818.016	Consideration of Recipient's Request for Land Exchanges

PURPOSE AND EFFECT: Chapter 2011-142, Laws of Florida, transferred Florida Communities Trust ("FCT") from the Department of Community Affairs to the Department of Environmental Protection ("DEP"). As a result of that transfer, FCT transferred its rules to Chapter 62. Now, FCT needs to engage in rulemaking for its procedures, specifically appraisals and environmental site assessments, to conform to DEP procedures. These revisions are necessary to achieve a more consistent, effective, and streamlined approach to implement the FCT program.

SUBJECT AREA TO BE ADDRESSED: Chapter 62-818, F.A.C., is an existing DEP rule that implements the grant application procedures and standards, requires a management plan and stewardship reports on funded projects, sets procedures for project site boundary modifications, requests for linear facilities and land exchanges for the Florida Communities Trust program that receives Florida Forever funds.

RULEMAKING AUTHORITY: 380.507(11) FS.  
LAW IMPLEMENTED: 259.105, 380.501-.515 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: Kristen Coons, Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., MS 115, Tallahassee, Florida 32399; telephone (850)245-2862; e-mail: Kristen.Coons@dep.state.fl.us; or facsimile (850)245-2296

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-819.002	Definitions
62-819.006	Certified Survey

62-819.007	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price
62-819.009	Negotiation of Offers and Counteroffers
62-819.012	Examination for Hazardous Materials Contamination

PURPOSE AND EFFECT: Chapter 2011-142, Laws of Florida, transferred Florida Communities Trust ("FCT") from the Department of Community Affairs to the Department of Environmental Protection ("DEP"). As a result of that transfer, FCT transferred its rules to Chapter 62. Now, FCT needs to engage in rulemaking for its procedures, specifically appraisals and environmental site assessments, to conform to DEP procedures. These revisions are necessary to achieve a more consistent, effective, and streamlined approach to implement the FCT program.

SUBJECT AREA TO BE ADDRESSED: Chapter 62-819, F.A.C., is an existing DEP rule that implements the land acquisition procedures for the Florida Communities Trust program that receives Florida Forever funds. These procedures require due diligence items to be obtained and approved before closing for each project.

RULEMAKING AUTHORITY: 380.507(11) FS.  
LAW IMPLEMENTED: 259.105, 380.501-.515 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: Kristen Coons, Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., MS 115, Tallahassee, Florida 32399; telephone (850)245-2862; e-mail: Kristen.Coons@dep.state.fl.us; or facsimile (850)245-2296

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-821.002	Definitions
62-821.004	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price
62-821.006	Negotiation of Offers and Counteroffers

62-821.009 Certified Survey  
 62-821.010 Examination for Hazardous  
 Materials Contamination

PURPOSE AND EFFECT: Chapter 2011-142, Laws of Florida, transferred Florida Communities Trust ("FCT") from the Department of Community Affairs to the Department of Environmental Protection ("DEP"). As a result of that transfer, FCT transferred its rules to Chapter 62. Now, FCT needs to engage in rulemaking for its procedures, specifically appraisals and environmental site assessments, to conform to DEP procedures. These revisions are necessary to achieve a more consistent, effective, and streamlined approach to implement the FCT program.

SUBJECT AREA TO BE ADDRESSED: Chapter 62-821, F.A.C., is an existing DEP rule that implements the land acquisition procedures for the Stan Mayfield Working Waterfronts program that receives Florida Forever funds. These procedures require that due diligence items are obtained and approved before closing for each project.

RULEMAKING AUTHORITY: 380.507(11), 380.5105(2) FS.  
 LAW IMPLEMENTED: 259.105, 380.501-.515 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: Kristen Coons, Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., MS 115, Tallahassee, Florida 32399; telephone (850)245-2862; e-mail: Kristen.Coons@dep.state.fl.us; or facsimile (850)245-2296

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-9.003 RULE TITLE: Military Spouse Temporary License  
 PURPOSE AND EFFECT: To update the material incorporated by reference to conform to statutory requirements, including but not limited to requirements for background screening fees.

SUBJECT AREA TO BE ADDRESSED: Temporary licenses for military spouses.

RULEMAKING AUTHORITY: 456.024(3) FS.  
 LAW IMPLEMENTED: 456.024(3) 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: Allen Hall, Executive Director, Division of Medical Quality Assurance, Medical Therapies-Psychology Board, 4052 Bald Cypress Way, Bin #C-01, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-30.005 RULE TITLE: Mediation  
 PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional offenses which the Board has deemed appropriate for mediation.

SUBJECT AREA TO BE ADDRESSED: Mediation.

RULEMAKING AUTHORITY: 456.078 FS.  
 LAW IMPLEMENTED: 456.078 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: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-5.013 RULE TITLE: Continuing Education on Laws and Rules

PURPOSE AND EFFECT: The board proposes this rule to incorporate the requirement of continuing education on the laws and rules that govern the practice of nursing in Florida.

SUBJECT AREA TO BE ADDRESSED: Continuing Education on Laws and Rules.

RULEMAKING AUTHORITY: 464.013 FS.  
 LAW IMPLEMENTED: 464.013 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: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, phone (850)410-3662

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-12.001 Definitions.

For the purposes of these rules, the definitions contained in Section 559.903, F.S., and the following apply:

(1) "Established place of business" means that physical location noted on the ~~business tax receipt occupational license~~ issued to the motor vehicle repair shop pursuant to Chapter 205, F.S. If the county or municipality has adopted no local ~~business tax receipt occupational license~~ requirement pursuant to Chapter 205, F.S., the term means that physical location where motor vehicle repairs are performed, or records, equipment, or tools used for the conduct of the business of motor vehicle repair are housed or stored.

(2) No change.

Rulemaking Authority 570.07(23) FS. Law Implemented 559.903(6)(5), (7), 559.904(7), (9) FS. History—New 1-18-95, Amended 11-29-95, 2-11-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, Phone (850)410-3662

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 16, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-2.023  
 RULE TITLE: Animal Welfare

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement statutory amendments to Section 550.2415, F.S., effective July 1, 2010, pertaining to the welfare of racing animals.

SUMMARY: The proposed rule addresses the welfare of racing animals, inspections of areas where racing animals are raced, trained, housed, or maintained, including any areas

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.: 5J-12.001  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To amend Rule 5J-12.001, F.A.C. to comply with changes enacted in Chapter 2012-67, Laws of Florida.

SUMMARY: The term "business tax receipt" has been substituted for the term "occupational license" within the definition of established place of business.

**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: This rule amendment only substitutes a term within a rule definition. There are no costs associated with the substitution. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 559.904(7) FS.

where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with Chapter 550, F.S., and the rules of the division.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

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 Division of Pari-Mutuel Wagering conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 550.0251(3), 550.2415(12) FS.

LAW IMPLEMENTED: 550.0251(11), 550.105(2)(a)3., 550.2415(6) FS.

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

DATE AND TIME: February 19, 2013, 9:00 a.m. – 12:00 noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-2.023 Animal Welfare.

(1) A permit holder shall ensure that:

(a) All stables, barns, or kennels are inspected by the local fire marshal at least every 24 months for compliance with local fire safety code and that documentation of compliance is maintained;

(b) All stables, barns, or kennels are equipped with smoke and/or temperature alarms and at least one fire extinguisher that has a current annual inspection tag that bears the date of the last inspection;

(c) Lighting in the stables, barns, or kennels is kept in working order at all times;

(d) All of the permit holders' cleaning supplies and pesticides are stored in areas separate from food and bedding intended for racing animals;

(e) Areas where racing animals are kept are ventilated by means of doors, windows, vents, or heating, ventilation and air conditioning (HVAC);

(f) All occupied stables, barns, and kennels are treated at least monthly for the prevention of insects and rodents;

(g) All hazards that could harm a racing animal are removed from the track surface and rails prior to use of the track;

(h) Access to the backside where racing animals are kept is restricted to occupational licensees or other persons authorized pursuant to Rule 61D-5.005, F.A.C.; and

(i) The racing secretary, judge, or a permit holder's representative completes a weekly documented walk-through of each occupied barn, stable, or kennel.

(2) A greyhound racing permit holder shall ensure that:

(a) A shaded area is provided for parking greyhound transport trucks that are used to bring racing greyhounds to and from the track for racing;

(b) A cool-down pool and/or water hose to cool down greyhounds is provided post race and during official and unofficial schooling events;

(c) Sprint paths:

1. Are surrounded by a chain link fence at least four feet in height;

2. Are free of broken or protruding wires or obstructions;

3. Have a smooth surface which is made of dirt or sand or a mixture of the two; and

4. Have drainage sufficient to prevent standing water.

(d) Turnout pens:

1. Are free of broken or protruding wires or obstructions;

2. Have gates that connect to the other pens;

3. Have at least a 10-foot overhang from the building;

4. Are surrounded by a fence at least six feet high;

5. Have working water spigots;

6. Have drainage sufficient to prevent standing water; and

7. Have sand of an average depth of four inches.

(e) Kennel crates:

1. Are a minimum of two feet wide, three feet long and 32 inches high; and

2. Are maintained so that they are free of broken or protruding wires or rust, and constructed of metal and are movable to protect the greyhounds from injury; and

3. Have a latch.

(3) A greyhound racing trainer shall ensure that:

(a) They or a designee are available for kennel inspections daily from 7:00 a.m. to 9:00 a.m. or 2:00 p.m. to 4:00 p.m. by division personnel;

(b) Food supplies and bedding materials are stored in such a manner that they are protected from contamination, spoilage, or infestation;

(c) Bowls, dishes, and other containers used for feeding and watering are cleaned and disinfected daily;

(d) Muzzles worn by racing greyhounds are made of plastic or padded wire and are not worn, broken, or rusted;

(e) All turnout pens and sprint paths are free of debris and trash, and maintained in a sanitary environment prior to use by greyhounds;

(f) No more than one greyhound shall be contained in each crate within the kennel;

(g) Crates are sanitized at least once daily, or more frequently as necessary, in order to maintain a sanitary environment;

(h) Greyhounds are provided with clean, fresh water in the exercise areas, kennels, and turn-out pens; and

(i) Kennel crates with broken or protruding wires or rust are reported to the permitholder upon discovery;

(j) A log is maintained to identify each racing greyhound entering and exiting the kennel compound. The log shall contain the following information:

1. Date and time of entry or exit;
2. Name and tattoo number of the racing greyhound;
3. Owner's name;
4. Trainer's name;
5. Kennel name; and
6. Name and license number of person transporting the racing greyhound.

(k) The division is notified within 18 hours of the death of any racing greyhound that occurred on the grounds of a greyhound track or kennel compound. The notification shall contain at least the following information:

1. Track/facility where death occurred;
2. Incident date/time;
3. Greyhound registered name;
4. Tattoo numbers;
5. Reporting person's name and telephone number;
6. Kennel operator, address, and telephone number;
7. Trainer's name and telephone number;

8. Location of deceased animal.

(4) A hauler or driver who transports racing animals shall be required to possess a pari-mutuel occupational license.

(5) No person shall contract for the transportation of a racing animal with anyone who does not possess a pari-mutuel wagering occupational license.

(6) The greyhound trainer of record shall be responsible for physically inspecting the greyhounds in their care for sores, cuts, abrasions, muzzle burns, fleas and ticks, and providing food on a daily basis.

(7) A horseracing trainer shall ensure that:

(a) Feed intended for racing animals (other than hay) is stored in such a manner that it is protected from contamination, spoilage, or infestation;

(b) All horses entered to race be on time for a pre-race veterinary inspection to ensure racing soundness; and

(c) The division is notified within 18 hours of the death of any racehorse that occurred on the grounds of a horse track or training facility. The notification shall contain at least the following information:

1. Track/facility where death occurred;
2. Incident date/time;
3. Horse registered name;
4. Tattoo number;
5. Reporting person's name and telephone number;
6. Stable name, address, and telephone number;
7. Trainer's name and telephone number;
8. Location of deceased animal.

(8) No part of a horse's leg may be desensitized on the day the horse is scheduled to race. "Desensitized" means a condition in which a horse's body does not respond appropriately to pre-race tests for feeling administered by the track veterinarian. A horse that has been desensitized in violation of this rule is ineligible to race. This rule does not prohibit the routine use of ice packs prior to pre-race veterinarian inspection.

(9) The track veterinarian shall report to the stewards the date, time, condition, rider, and name of any outrider horse which the track veterinarian reasonably suspects has been overworked or abused.

(10) A racing animal that has been declared medically unsound to race by another racing jurisdiction shall not be eligible or entered to race until it has been examined and declared sound for racing by the track veterinarian who shall consult with the veterinarian that originally declared the racing animal to be medically unsound, unless the original veterinarian is unavailable, then a good faith effort to contact must be documented.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251(11), 550.105(2)(a)3., 550.2415(6) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2013

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 2, 2010 and October 8, 2010

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

**DEPARTMENT OF TRANSPORTATION**

**Commercial Motor Vehicle Review Board**

RULE NO.:	RULE TITLE:
14A-1.004	Meetings of the Commercial Motor Vehicle Review Board

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 17, January 25, 2013 issue of the Florida Administrative Register.

The Agency has determined that the proposed rule amendments do not require a statement of estimated regulatory cost and are not expected to require legislative ratification based on: the proposed rule amendments clarify existing procedures used by the Commercial Motor Vehicle Review Board. The Department has reviewed the existing rule along with the proposed rule amendments and determined that the Review Board does not impose any fee for challenging a previously imposed penalty, and that otherwise the amendments do not cause an adverse economic impact or an increase in regulatory costs.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:	RULE TITLE:
64B3-5.008	Public Health Laboratory Personnel

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 54, October 19, 2012 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Notice of Change which published on December 21, 2012 in Vol. 38, No. 96, of the Florida Administrative Register revised Form # DH-MQA 3001(06/12) to (12/12). The following changes were made to the form:

On page 2 of 10 under 1. of Form # DH-MQA 3001 (12/12), the licensure and application fees were revised to comply with Rules 64B3-9.001 and 64B3-9.002, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Guilford, Program Operations Administrator, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NO.:	RULE TITLE:
69V-160.034	Failure to Demonstrate Financial Responsibility Defined

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 59, October 26, 2012 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

RULE NO.:	RULE TITLE:
69V-560.302	Renewal Fees, Deadlines, and Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 59, October 26, 2012 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:	RULE TITLE:
73B-11.023	Offset of Tax Refund Payments to Collect Reemployment Assistance Debts Owed to the Florida Unemployment Trust Fund Pursuant to 31 C.F.R. 285.8

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 15, January 23, 2013 issue of the Florida Administrative Register.

NOTICE OF INTENT TO ADOPT A RULE

PURSUANT TO SECTION 120.54(6),

FLORIDA STATUTES

(ADOPTION OF FEDERAL STANDARDS)

PURPOSE, EFFECT AND SUMMARY: Allows the Department to collect reemployment assistance overpayments through the Treasury Offset Program.

RULEMAKING AUTHORITY: 443.1317(1)(b), 443.171(9), FS.

LAW IMPLEMENTED: 443.171(9), 443.221(3) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Peter Penrod, Esquire, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY, THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

73B-11.023 Offset of tax refund payments to collect reemployment assistance debts owed to the Florida unemployment trust fund pursuant to 31 C.F.R. 285.8.

(1) Definitions. For purposes of this section:

(a) Debt means past-due, legally enforceable reemployment assistance debt.

(b) Department means the Department of Economic Opportunity, the state agency charged with administering the Florida reemployment assistance program.

(c) Individual means a person who owes a debt.

(d) FMS means the Financial Management Service, a bureau of the Department of the Treasury.

(e) IRS means the Internal Revenue Service, a bureau of the Department of the Treasury.

(f) Tax refund offset means withholding or reducing a tax refund overpayment by an amount necessary to satisfy a debt owed by the payee(s) pursuant to 26 U.S.C. 6402(a).

(g) Tax refund payment means any overpayment of Federal taxes to be refunded to the person making the overpayment after the IRS makes the appropriate credits as provided in 26 U.S.C. 6402(a) and 26 CFR 6402-3(a)(6)(i) for any liabilities for any Federal tax on the part of the person who made the overpayment.

(h) Reemployment assistance debt has the same meaning as the term "covered unemployment debt" as defined in 26 U.S.C. 6402(f)(4), and means

1. A past-due debt for erroneous payment of reemployment assistance due to fraud or the person's failure to report earnings which has become final under the law of a State certified by the Secretary of Labor pursuant to 26 U.S.C. 3304 and which remains uncollected;

2. Any penalties and interest assessed on such debt.

(2) Advance notification to the individual of the department's intent to collect by Federal tax refund offset.

(a) The department is required to provide a written notification to the individual by U.S. mail, to his or her last known address, informing the individual that the department

intends to refer the debt for collection by tax refund offset. The notice must give the individual 60 days to present evidence, in accordance with procedures established by Sections 120.569 and 120.57(1), F.S., that all or part of the reemployment assistance debt is not past due, not legally enforceable, or is not due to fraud or the individual's failure to report earnings.

(b) In accordance with procedures set forth in ss. 120.569 and 120.57(1), F.S., the department will consider any competent, legally admissible evidence presented by an individual in response to the notice described in paragraph (2)(a) of this section and determine whether an amount of such reemployment assistance debt is not past due, not legally enforceable, or is not due to fraud or the individual's failure to report earnings.

(3) Upon satisfying the requirements of paragraph (2), the department will certify reemployment assistance debts for tax refund offset with FMS in accordance with the procedures set forth in 31 C.F.R. 285.8.

Rulemaking Authority: 443.1317(1)(b), 443.171(9) FS. Law Implemented 443.171(9), 443.221(3) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Peter Penrod

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jesse Panuccio, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2013

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 24, 2013, the Department issued a Final Order that was in response to a Petition for Variance from Colonial House Office Building, filed November 20, 2012, and advertised on November 26, 2012 in Vol. 38, No. 77, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for



Variance denies the Petitioner a variance from Section 11-4.5.2, The Florida 2001 Building Code, Accessibility Code that requires upgrading the elevators floor level change in the elevator not exceed ¼ inch, because the agency has no statutory authority to grant (VW 2012-374).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 24, 2013, the Department issued a Final Order that was in response to a Petition for Variance from Ragtops Motorcars Inc/ McCoy Motors, filed December 28, 2012, and advertised on December 31, 2012 in Vol. 38, No. 100, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.10.1, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for types of operating devices because Petitioner the Petitioner has not demonstrated that the purpose of the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-416).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 24, 2013 the Division issued an order. The Final Order was in response to a Petition for a Variance from Oak Park Executive Center, filed January 3, 2013, and advertised in Vol. 39, No. 4, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a

variance from Rule 3.3.3, 3.10.4(t), 3.11.1, 3.4.3(d), and 3.10.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by Rule 61C-5.001(1)(a) Florida Administrative Code that requires upgrading the elevators hinged platform sills, in-car stop switch, sight guards, top-of-car operating devices and car emergency signaling devices until July 1, 2015 because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2013-002).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 24, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Seminole Garden Apartments, filed January 9, 2013, and advertised in Vol. 39, No. 9, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.6.5.8 ASME A17.1b, 2009 edition, as adopted by Rule 61C-5.001(1)(a) Florida Administrative Code that requires upgrading the elevators safety bulkhead until January 1, 2016 because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2013-005).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 24, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Westminster Woods, filed January 14, 2013, and advertised in Vol. 39, No. 11, of the Florida Administrative Register. No comments were received in response to the

petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.6.5.8 ASME A17.1b, 2009 edition, as adopted by Rule 61C-5.001(1)(a) Florida Administrative Code that requires upgrading the elevators safety bulkhead until July 1, 2015 because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2013-008).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF HEALTH**

Board of Medicine

RULE NO.: RULE TITLE:

64B8-30.003: Physician Assistant Licensure

NOTICE IS HEREBY GIVEN that on January 24, 2013, the Board of Medicine, Council on Physician Assistants, received a petition for variance filed by Cecilia R. Castro, from Rules 64B8-1.007, 64B8-30.003, and 64B15-6.003, F.A.C., with regard to the requirement for primary source verification of physician assistant education. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF LEGAL AFFAIRS**

The Florida Commission on the Status of Women announces telephone conference calls to which all persons are invited.

DATE AND TIME: February 12, 2013, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: February 13, 2013, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: February 13, 2013, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: February 14, 2013, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: February 19, 2013, 1:30 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: February 20, 2013, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: February 21, 2013, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mentoring Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050; phone (850)414-3300, fax (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone (850)414-3300, fax (850)921-4131. 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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone (850)414-3300, fax (850)921-4131.

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#### DEPARTMENT OF EDUCATION

##### State Board of Education

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

**DATES AND TIMES:** February 4, 2013, 8:30 a.m. – completion; February 5, 2013, 8:30 a.m. – completion.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Northeast Florida Virtual Charter School Board, Inc. and The Florida Virtual Academy at Marion County vs. Marion County School Board.

The Southwest Florida Virtual Charter School Board, Inc. and The Florida Virtual Academy at Pasco County vs. Pasco County School Board.

The Central Florida Virtual Charter School Board, Inc. and The Florida Virtual Academy at Orange County vs. Orange County School Board.

The Central Florida Virtual Charter School Board, Inc. and The Florida Virtual Academy at Seminole County vs. Seminole County School Board.

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

Palm Beach Collegiate vs. Palm Beach County School Board.

Somerset Academy Inc. vs. Orange County School Board.

Somerset Academy Inc. vs. Broward County School Board.

A copy of the agenda may be obtained by contacting: Florida Department of Education, Office of Independent Education & Parental Choice, (850)245-0502, jacqueline.hitchcock@fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Florida Department of Education, Office of Independent Education & Parental Choice, (850)245-0502, jacqueline.hitchcock@fldoe.org. 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: Florida Department of Education, Office of Independent Education & Parental Choice, (850)245-0502, jacqueline.hitchcock@fldoe.org.

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#### DEPARTMENT OF LAW ENFORCEMENT

##### Criminal Justice Standards and Training Commission

The Region XIV Trust Fund Advisory Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 12, 2013, 10:00 a.m.

**PLACE:** Miami Dade College, North Campus, Room 9118

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of Region XIV Reports and other Region XIV business matters.

A copy of the agenda may be obtained by contacting: Maevis Pierre, Interim, Region XIV Secretary, O., (305)237-1329; email: mpierre6@mdc.edu.

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#### STATE BOARD OF ADMINISTRATION

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

**DATE AND TIME:** Monday, February 4, 2013, 10:00 a.m. until conclusion of business.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Compensation Subcommittee of the IAC to finalize the Subcommittee's proposed role and to review and discuss preliminary high-level results of the consultant's market analysis and incentive recommendations. The IAC is guiding and overseeing a compensation study to ensure interests are aligned and human capital risk issues prudently are addressed.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, (850)413-1253 or 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. 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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#### 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:** February 13, 2013, 9:30 a.m.

**PLACE:** Okeechobee County Courthouse, Board of County Commission Chambers, Room 207, 304 NW 2nd Street, Okeechobee, FL 34972

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

A copy of the agenda may be obtained by contacting: Kathryn Hall at (863)534-7130 or at khall@cfrpc.org.

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

**REGIONAL PLANNING COUNCILS**

**Southwest Florida Regional Planning Council**

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

**DATE AND TIME:** Wednesday, February 6, 2013, 1:00 p.m.

**PLACE:** Southwest Florida Regional Planning Council, 2nd Floor Meeting Room at 1926 Victoria Avenue in Fort Myers

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The SWFRPC's Legislative Affairs Committee annual meeting.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at ngwinnett@swfrpc.org or (239)338-2550, #232.

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: The offices of the SWFRPC at (239)338-2550. 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 visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

**DATE AND TIME:** Monday, February 18, 2013, 2:00 p.m. or soonest thereafter.

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. 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).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

**DATES AND TIME:** Tuesday, February 19, 2013, 8:30 a.m.; meeting will reconvene on Wednesday, February 20, 2013, 8:30 a.m.

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at [lori.crawford@dbpr.state.fl.us](mailto:lori.crawford@dbpr.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. 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.

**FLORIDA TELECOMMUNICATION RELAY**

The Florida Telecommunications Relay, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 15, 2013, 10:00 a.m.  
 PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regular meeting of the Board of the Directors. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301.

### Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from the Florida Prison Legal Journal. The petition seeks the agency's opinion as to the applicability of whether a previously rejected publication would be acceptable if a specific section was removed and under what circumstances a previously rejected section would be deemed acceptable by the Department. The petition also asks how can the Florida Prison Legal Journal expose prisoner abuse if the Department continues to reject or impound its publications and what steps has the Department taken to stop prisoner abuse at Charlotte Correctional Institution as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Roberto C. Blanch, Esq., In Re: Turnberry Village Master Association, Inc., Docket No. 2013001883, filed on January 14, 2013. The petition seeks the agency's opinion as to the applicability of section 718.103(2), Florida Statutes, as it applies to the petitioner.

Whether Turnberry Village Master Association is a condominium association as defined by section 718.103(2), Florida Statutes, and, if so, the manner of members electing directors to the master under the governing documents.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

### Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

### Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

**NONE**

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

**NONE**

### Section XI Notices Regarding Bids, Proposals and Purchasing

**DEPARTMENT OF VETERANS' AFFAIRS**  
 FDVA Health Information Technology System

NOTICE OF INVITATION TO NEGOTIATE (ITN)  
 STATE OF FLORIDA  
 FLORIDA DEPARTMENT OF VETERANS' AFFAIRS  
 SOLICITATION NO.: FDVA-ITN-13-004N

The Florida Department of Veterans' Affairs (FDVA) is soliciting responses from qualified and responsible contractors for the project listed below.

Project Name: FDVA Health Information Technology System.  
 Statement of Work: Successful contractor shall provide the necessary labor, materials, equipment, and supervision to provide an established, "hosted solution" (software as a service) health information technology system, conversion of current system data to new system, and subsequent monthly support services.

Background: FDVA is actively seeking business office software that can ensure electronic billing practices while maintaining the highest level of data integrity. The software must be designed to handle the functional, clinical and billing needs of skilled nursing care and related ancillary services. FDVA is currently comprised of six 120-bed skilled nursing facilities, a 149-bed domiciliary, a centralized executive headquarters, and a legislative executive branch located in the state capital. The system functionality will be sophisticated enough to allow for single facility database and shared multi-functional master capabilities to integrate tables across the entire FDVA organization. The system shall have the capabilities to expand for future requirements including additional FDVA facilities and personnel, as well as, additional government requirements.

Instructions: This solicitation, including the timeline of events, is available for viewing and printing only through the State of Florida Vendor Bid System via [www.myflorida.com](http://www.myflorida.com). Interested parties in need of assistance with accessing the State of Florida Vendor Bid System shall directly contact the State Vendor Help Desk at phone number (866)352-3776 or email address [VendorHelp@MyFloridaMarketPlace.com](mailto:VendorHelp@MyFloridaMarketPlace.com).

Contact: Respondent questions regarding this solicitation must be submitted in writing to Tim Shaw, FDVA Contracting Administrator, via email address [shawt@fdva.state.fl.us](mailto:shawt@fdva.state.fl.us).

Florida Department of Veterans' Affairs  
 Mary Grizzle State Office Building  
 1351 Ulmerton Road, Suite 311-K  
 Largo, FL 33778

JACKSONVILLE PORT AUTHORITY  
 REQUEST FOR QUALIFICATIONS  
 PROFESSIONAL ENGINEERING/PHYSICAL  
 SECURITY/INFORMATION TECHNOLOGY  
 SUPPORT SERVICES  
 FOR THE  
 JACKSONVILLE PORT AUTHORITY  
 CONTRACT NO.: AE-174

The Jacksonville Port Authority (JPA) is requesting Statements of Qualifications (SOQ's) from Professional Consultant/Firms interested in providing Professional Engineering/Physical Security/Information Technology Support Services for the Jacksonville Port Authority.

The JPA will utilize an external Professional Engineering Consultant/Firm Team to augment and support the Authority's Engineering, Security and Information Technology staff. In addition the selected Consultant/Firm Team will perform special services for the Engineering Department, on a work order basis. These services are more completely described in Section 3 – Scope of Services of the Request for Qualifications (RFQ). Examples of the work performed, while not all inclusive, include professional architecture, engineering, planning, studies and related services required to support the Senior Director of Facilities Development, Director of Security and the Director of Information Technology and their staff. Although the selected Consultant/Firm Team may provide all services as required through its own staff, some other specialty services may be added through sub-consulting on a project by project basis.

Submission of SOQ's does not guarantee your company will receive a contract from the JPA, nor does it imply that your company has any type of procurement/contractual relationship with the JPA now or in the future. Information provided by your company will be treated in a reasonable manner and will be subject to disclosure pursuant to the laws of the State of Florida.

Concurrent with this policy, the JPA conducts its procurement activities and formal bid processes in a competitive environment that fosters equal opportunity for qualified companies to provide services that meet our requirements.

A Pre-Submission Meeting will be held on Tuesday, February 12, 2013 AT 10:00 a.m., in the Public Meeting Room, First Floor of the Port Central Office Building located at the address stated below. Attendance is highly recommended for any firm that may be considering submitting Statement of Qualifications.

ALL STATEMENTS OF QUALIFICATIONS WILL BE RECEIVED BY THE JPA'S PROCUREMENT DEPARTMENT, UNTIL 2:00 P.M. (EST), on February 27, 2013.

The Request for Qualifications document can be downloaded from:

<http://www.jaxport.com/about-jaxport/corporate-information/projects-for-bid>.

If you should have any questions regarding this RFQ package, please submit them by e-mail only to LeNedda Edwards, Contract Specialist at: [LeNedda.Edwards@Jaxport.com](mailto:LeNedda.Edwards@Jaxport.com).

EARLY LEARNING COALITION OF BROWARD COUNTY, INC.

ELC of Broward County, Inc. Announces the Release of an Invitation to Negotiate ("ITN")

ELC of Broward County is seeking Competitive Sealed Replies to an ITN for delivery of Early Care and Education Services. Services to procure include coordinated system of Early Care and Education services and supports for children and may include services for Child Screening System Coordination; Child Outcome Development; and Scholarship Administration. Expected release: January 28, 2013 at 2:00 p.m. EST at [www.elcbroward.org](http://www.elcbroward.org). All requirements for response will be posted on the website.

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## Section XII Miscellaneous

### DEPARTMENT OF STATE

Division of Library and Information Services

#### GUIDELINES AVAILABLE FOR LIBRARY COOPERATIVE GRANT PROGRAM

Grant guidelines and application forms are available for the Library Cooperative Grant program administered by the Florida Department of State, Division of Library and Information Services. Guidelines are available on the Division of Library and Information Services' webpage at: <http://info.florida.gov/bld/grants/Cooperative/Cooperative.html>.

Guidelines and application forms may also be requested by mail from: The Division of Library and Information Services, M.S. #9D, R.A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399-0250; by email, [Dorothy.Frank@dos.myflorida.com](mailto:Dorothy.Frank@dos.myflorida.com); by phone, (850)245-6631; or by fax, (850)245-6643.

Applications must be either postmarked or filed by April 15, 2013.

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### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Tropical Scooters, LLC, for the LINH line-make

#### Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X Power Motorsports, Inc., intends to allow the establishment of Tropical Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (line-make LINH) at 11610 Seminole Boulevard, Largo, (Pinellas County), Florida 33778, on or after February 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Tropical Scooters, LLC, are dealer operator(s): Mike Stanley, 11610 Seminole Boulevard, Largo, Florida 33778 and Mark Stanley, 11610 Seminole Boulevard,

Largo, Florida 33778; principal investor(s): Mike Stanley, 11610 Seminole Boulevard, Largo, Florida 33778 and Mark Stanley, 11610 Seminole Boulevard, Largo, Florida 33778.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ronald Ho, X Power Motorsports, Inc., 225 Horizon Drive, Suwanee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Richard Weber Real Estate Investment Co. Inc. for the ZERO line-make

#### Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zero Motorcycles, Inc., intends to allow the establishment of Richard Weber Real Estate Investment Co. Inc., as a dealership for the sale of motorcycles manufactured by Zero Motorcycles, Inc. (line-make ZERO) at 9334 East Colonial Drive, Orlando, (Orange County), Florida 32817, on or after February 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Richard Weber Real Estate Investment Co. Inc., are dealer operator(s): Richard Weber, 1101 North Pennsylvania Avenue, Winter Park, Florida 32789; principal investor(s): Richard Weber, 1101 North Pennsylvania Avenue, Winter Park, Florida 32789, Leslie E. Alba, 1303 Chapman Circle, Winter Park, Florida 32789 and Geraldine B. Weber, 1101 North Pennsylvania Avenue, Winter Park, Florida 32789.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Christy Hammon, Zero Motorcycles, Inc., 170 Technology Circle, Scotts Valley, California 95066.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On January 24, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Linda Josephine Zayas, R.N. License # RN 9204523. 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

Emergency Action

On January 24, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Tridney K. Askew, C.N.A., License # CNA 189860. 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

Emergency Action

On January 24, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Frances O'Brady Howell, R.N. License # RN 2622282. 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

Emergency Action

On January 24, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Elise Meredith Barnett, R.N. License # RN 9250789. 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 Pharmacy

Emergency Action

On January 24, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Daniel Singer, R.Ph. License # PS 27033. 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 Pharmacy

Emergency Action

On January 24, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Andrew K. Perry, P.S.I. License # PSI 22460. 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 ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-13-007

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY THE CITY OF MARATHON,  
FLORIDA, ORDINANCE NO. 2012-13

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat., approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2012-13 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. The City of Marathon is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City of Marathon on December 11, 2012, and rendered to the Department on January 10, 2013.
3. The Ordinance amends Sections 14-61 through 14-64 and Section 14-67 of the City of Marathon land development regulations regarding protection of sea turtles. The amendments to the regulations bring consistency with the City’s existing Turtle Lighting ordinance and the latest sea turtle management research and Best Management Practices. The amendments include new and amended definitions; prohibitions regarding activities which may interfere with sea turtle nests and nesting activities; standards for exterior and interior lighting; and enforcement and penalties.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat. The City of Marathon is a local government in the Florida Keys Area of Critical State Concern.
2. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.
3. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that

area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

4. The Ordinance is consistent with the Principles for Guiding Development in Section 380.0552(7)(a), (b), (c), and (h), Fla. Stat., and with the Principles as a whole and is not inconsistent with any provision.

5. The Ordinance is consistent with Policy 4-1.2.3, Policy 4-1.3.1, Policy 4-1.11.7, Policy 4-1.11.8 and Policy 4-1.11.9 of the City of Marathon Comprehensive Plan.

WHEREFORE, IT IS ORDERED that City of Marathon Ordinance No. 2012-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

J. THOMAS BECK, AICP

Director, Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS FINAL ORDER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
 DEPARTMENT OF ECONOMIC OPPORTUNITY  
 OFFICE OF GENERAL COUNSEL  
 107 EAST MADISON STREET, MSC 110  
 TALLAHASSEE, FLORIDA 32399-4128

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of January, 2013.

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

By U.S. Mail:

Honorable Mike Cinque  
 Mayor, City of Marathon  
 9805 Overseas Highway  
 Marathon, FL 33050

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

John R. Herin, Jr., Esq.  
 Marathon City Attorney  
 Gray-Robinson, P.A.  
 401 E. Las Olas Blvd., Suite 1850  
 Fort Lauderdale, FL 33301

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DEO Tallahassee  
 Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

Section XIII

Index to Rules Filed During Preceding Week

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

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