

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Drugs, Devices and Cosmetics**

RULE NO.:      RULE TITLE:

61N-1.001      General Regulations; Definitions

**PURPOSE AND EFFECT:** Clear up the definitions of certain terms, as well as to define "limited quantities" as used in subsections 499.01 (3) & (4), F.S.

**SUBJECT AREA TO BE ADDRESSED:** The Division proposes to clarify the definitions of terms set forth in Chapter 499, F.S., and the Division's rules; set forth the records which must be created and maintained by entities in Florida engaging in the possession of limited quantities of prescription drugs, obtained from non-Florida licensed sources, for the purpose of research and development; and set forth the storage requirements for those entities.

**RULEMAKING AUTHORITY:** 499.01(3), (4), (6), 499.012(12), 499.0121, 499.0122, 499.013, 499.014, 499.024, 499.025(5), 499.03(4), 499.05, 499.052 FS.

**LAW IMPLEMENTED:** 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dinah Greene, Division of Drugs, Devices and Cosmetics  
1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399, (850)717-1802

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Drugs, Devices and Cosmetics**

RULE NO.:      RULE TITLE:

61N-1.012      Records of Drugs, Cosmetics and Devices

**PURPOSE AND EFFECT:** Set forth recordkeeping requirements for Florida manufacturers engaging in "limited quantities" of Rx drugs obtained from non-Florida licensed entities.

**SUBJECT AREA TO BE ADDRESSED:** Definitions, records, storage requirements.

**RULEMAKING AUTHORITY:** 499.01(2)(g), 499.05, 499.0121 FS.

**LAW IMPLEMENTED:** 499.01, 499.003, 499.012, 499.0121, 499.01212, 499.028, 499.04, 499.041, 499.05, 499.051, 499.052, 499.06, 499.063, 499.064, 499.066, 499.067 FS.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dinah Greene, Division of Drugs, Devices and Cosmetics  
1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399, (850)717-1802

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Drugs, Devices and Cosmetics**

RULE NO.:      RULE TITLE:

61N-1.013      Prescription Drugs; Receipt, Storage and Security

**PURPOSE AND EFFECT:** Set forth Rx drug storage requirements for Florida manufacturers engaging in "limited quantities" of Rx drugs obtained from non-Florida licensed entities.

**SUBJECT AREA TO BE ADDRESSED:** Definitions, records, storage requirements.

**RULEMAKING AUTHORITY:** 499.01(2), 499.05, 499.0121 FS.

**LAW IMPLEMENTED:** 499.004, 499.006, 499.007, 499.0121, 499.028(6), 499.052 FS.

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1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399, (850)717-1802

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:      RULE TITLE:

64B5-1.001      Public Comment

**PURPOSE AND EFFECT:** The board proposes the development of a rule to address the recent statutory addition set forth in Section 286.0114, F.S., with regard to public participation in public meetings.

**SUBJECT AREA TO BE ADDRESSED:** Public Comment.

RULEMAKING AUTHORITY: Section 1, Chapter 2013-227, Laws of Florida.

LAW IMPLEMENTED: Section 1, Chapter 2013-227, Laws of Florida.

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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.003      RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The board proposes the rule development to amend and clarify the rule.

SUBJECT AREA TO BE ADDRESSED: Training, Education, Certification, and Requirements for Issuance of Permits.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3), (6) FS.

LAW IMPLEMENTED: 466.017(3), (5), (6) 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.008      RULE TITLE: Requirements for General Anesthesia or Deep Sedation

PURPOSE AND EFFECT: The board proposes the rule development to update the rule title and add language and clarification on the requirements for general anesthesia or deep sedation regarding operatory, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

SUBJECT AREA TO BE ADDRESSED: Requirements for General Anesthesia or Deep Sedation.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.009      RULE TITLE: Conscious Sedation

PURPOSE AND EFFECT: The board proposes the rule development to update the rule title and add language and clarification on the requirements for conscious sedation regarding operatory, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

SUBJECT AREA TO BE ADDRESSED: Conscious Sedation.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: RULE TITLE:

64B5-14.010 Pediatric Conscious Sedation

PURPOSE AND EFFECT: The board proposes the rule development to update the rule title and add language and clarification on the requirements for pediatric conscious sedation regarding operatory, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

SUBJECT AREA TO BE ADDRESSED: Pediatric Conscious Sedation.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NOS.: RULE TITLES:

5E-13.022 Eligibility for State Approved Program and/or Aid

5E-13.023 Source Reduction Prerequisites

5E-13.027 Certified Budgets, Filing

5E-13.030 State Aid Basis and Availability

- 5E-13.031 District or County Use of Funds
- 5E-13.0331 Use of Pesticides for Arthropod Control, Labels, Limitations, Precautions and Storage.
- 5E-13.035 Intent
- 5E-13.037 Aircraft Application for the Control of Adult Arthropods
- 5E-13.0371 Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms
- 5E-13.040 Criteria for Licensure or Certification of Applicators
- 5E-13.041 Authorization for the Department to Promulgate Rules and Regulations More Stringent Than EPA

PURPOSE AND EFFECT: The purpose of this rulemaking is to provide notice of revision to forms incorporated by reference in the rule and bring the forms into compliance with Section 120.55(1)(a)4., Florida Statutes, to eliminate a reference to rule language that has been repealed, to identify standards for secure pesticide storage, to define pesticide use, precautions and limitations according to registered labeling, to repeal requirements for source reduction projects, to repeal duplicative requirements otherwise found in rule or statute, and to revise distribution of state funds to local mosquito control programs and the date by which mosquito control districts must submit their certified budgets for approval by the department in accordance with Chapter 2013-226, s. 5 and 6, Laws of Florida amending Sections 388.261 and 388.271, Florida Statutes. The effect of this rulemaking will be to provide notice of revisions to forms incorporated by reference in the rule and bring the forms into compliance with Section 120.55(1)(a)4., Florida Statutes, to identify clear standards for secure pesticide storage, to define pesticide use, precautions and limitations according to registered labeling, to remove requirements regarding source reduction projects, to remove references to rule language that has been repealed and to revise distribution of state funds to local mosquito control programs in accordance with Chapter 2013-226, s. 5 and 6, Laws of Florida amending Sections 388.261 and 388.271, Florida Statutes.

SUMMARY: This rulemaking incorporates by reference the forms entitled, Detailed Work Plan Budget-Arthropod Control, (FDACS-Form 13623 Rev. 07/13), Operational Work Plan for Mosquito Control, FDACS-Form 13666 Rev. 07/13), Mosquito Control Monthly Activity Report, (FDACS-13652 Rev. 07/13), Annual Certified Budget for Arthropod Control, (FDACS-13617 Rev. 07/13), Arthropod Control Budget Amendment, (FDACS-13613 Rev. 07/13), Mosquito Control Monthly Report – Local, (FDACS-13663 Rev. 07/13), Mosquito Control Monthly Report – State Funds (FDACS-

13650 Rev. 07/13), Application for Aircraft Registration (FDACS-13354 Rev. 10/13), Aircraft Bill of Sale AC Form 8050-2 (01/12), Report of Aircraft Transaction Form (FDACS-13355 Rev. 10/13), Record of Attendance for Continuing Education Units (CEUs), (FDACS-13325 Rev. 10/13), addresses requirements for the use of pesticides for purposes of arthropod control, updates form adoption language, repeals requirements for source reduction projects, repeals duplicative requirements, and revises distribution of state funds to local mosquito control programs and the date by which mosquito control districts must submit their certified budgets for approval by the department in accordance Chapter 2013-226, s. 5 and 6, Laws of Florida amending s. 388.261 and s. 388.271, Florida Statutes.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact of potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon its experience with adoption of rules of this nature. Additionally, no interested party submitted 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:** 388.261, 388.361, 487.051, 570.07 FS.

**LAW IMPLEMENTED:** 388.201, 388.231, 388.261, 388.271, 388.281, 388.341, 388.361, 487.051, 570.07 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:** Michael J. Page, Bureau Chief, Bureau of Entomology and Pest Control, 3125 Conner Boulevard, Suite N, Tallahassee, FL 2399-1650, (850)617-7988; Mike.Page@FreshFromFlorida.com

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

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county will be eligible to receive state aid for control of arthropods when it provides the following: an annual budget for such purpose; a contractual services agreement with the department; a signed acknowledgement of being subject to Section 215.97, F.S.; a detailed work plan budget on the form entitled "Detailed Work Plan Budget-Arthropod Control" (FDACS- ~~Form~~ 13623, ~~(Rev. 07/13 5/03)~~ which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03544> ~~entitled "Detailed Work Plan Budget-Arthropod Control"~~; an operational work plan on the form entitled "Operational Work Plan for Mosquito Control" (FDACS- ~~Form~~ 13666, ~~(Rev. 07/13 4/04)~~ which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03546>; ~~entitled "Operational Work Plan for Mosquito Control" hereby incorporated by reference~~ and the district or county complies with provisions of Section 388.271(1), F.S. ~~Copies of these forms may be received from the department's Bureau of Entomology and Pest Control, Conner Boulevard, Suite N, MS C-41, Tallahassee, Florida 32399-1650.~~

(2) No change.

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program will be eligible when they provide the following: a memorandum agreement with the department that the district or county will provide monthly chemical reports of accomplishments on form entitled "Mosquito Control Monthly Activity Report" (FDACS-13652, Rev. 07/13), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03549> ~~and an inventory of chemicals as required by subsection 5E-13.027(5), F.A.C.~~; a detailed work plan budget on the form entitled "Detailed Work Plan Budget-Arthropod Control" (FDACS- ~~Form~~ 13623, ~~(Rev. 07/13 5/03)~~ ~~entitled "Detailed Work Plan Budget-Arthropod Control"~~; an operational work plan on the form entitled "Operational Work Plan for Mosquito Control" (FDACS- ~~Form~~ 13666, ~~(Rev. 07/13 4/04)~~ ~~entitled "Operational Work Plan for Mosquito Control"~~, hereby incorporated by reference, and the district or county complies with provisions of Sections 388.271(1) and 388.341, F.S. ~~Copies of these forms may be received from the department's Bureau of Entomology and Pest Control, Conner Boulevard, Suite N, MS C-41, Tallahassee, Florida 32399-1650.~~

Rulemaking Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History—New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended 6-10-04, 8-9-06,\_\_\_\_\_.

#### 5E-13.023 Source Reduction Prerequisites.

Rulemaking Authority 388.361 FS. Law Implemented 388.361 FS. History—New 1-1-77, Formerly 10D-54.23, 10D-54.023, Amended 3-14-94, 7-5-95, Repealed\_\_\_\_\_.

#### 5E-13.027 Certified Budgets, Filing.

(1) ~~Annually, n~~Not later than September ~~30~~15, each district or county shall submit to the department two (2) copies of a certified budget on the form entitled FDACS-13617, “Annual Certified Budget for Arthropod Control,” (FDACS-13617 (Rev. 07/13 9/03), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03547> and hereby incorporated by reference. Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry-over re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or county of any distribution changes due to the re-budget. ~~Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, Conner Boulevard, Suite N, MS C 41, Tallahassee, Florida 32399 1650.~~

(2) Budget amendments on the form FDACS-13613 (Rev. 9/03), entitled “Arthropod Control Budget Amendment,” (FDACS-13613, Rev. 07/13), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03548>, and hereby incorporated by reference shall be prepared and submitted to the department prior to over-expending state funds in any account or expending state funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. ~~Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, Conner Boulevard, Suite N, MS C 41, Tallahassee, Florida 32399 1650.~~

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department on the form FDACS Form 13663, (Rev 6/03) entitled “Mosquito Control Monthly Report – Local Funds” (FDACS-13663, Rev. 07/13), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03550>, for Local Funds and the form FDACS Form 13650, (Rev 6/03) entitled “Mosquito Control Monthly Report – State Funds” (FDACS-13650, Rev. 07/13), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03551>, for State Funds, hereby incorporated by reference. Failure to meet the deadlines will result in withholding of state aid until the required reports are submitted, and re-distribution of the state aid to other existing state approved programs if the reports are not received within 90 days of the deadline. ~~Copies of these forms may be received from the department’s Bureau of Entomology and Pest Control, Conner Boulevard, Suite N, MS C 41, Tallahassee, Florida 32399 1650.~~

(4) No change.

(5) A district or county shall submit monthly chemical reports of accomplishments by submitting the form and an inventory of chemicals, on prescribed forms FDACS Form 13664, (Rev 5/03) entitled “Mosquito Control Chemical Inventory Report” and FDACS Form 13652, (Rev 6/03) entitled “Mosquito Control Monthly Activity Report” (FDACS-13652, Rev. 07/13), which is incorporated by reference in Rule 5E-13.022, Florida Administrative Code, for pesticide activity, hereby incorporated by reference, to the department not later than thirty (30) days after the end of each month. ~~Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, Conner Boulevard, Suite N, MS C 41, Tallahassee, Florida 32399 1650.~~

(6) No change.

Rulemaking Authority 388.361 FS. Law Implemented 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History—New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95, 6-10-04,\_\_\_\_\_.

#### 5E-13.030 State Aid Basis and Availability.

(1) through (5) No change.

(6) Twenty percent of the state funds legislatively authorized and released by the Executive Office of the Governor for arthropod control shall be distributed to competitive research programs. Only public state universities and colleges in Florida shall be eligible to receive state funds for arthropod research. After twenty percent of the funds

legislatively authorized and released by the Executive Office of the Governor for arthropod control are distributed for research and after distributions are made to the Department as provided by statute, should funds be insufficient to grant each county or district state funds on a dollar-for-dollar matching basis, then seventy percent of the remaining state funds shall be distributed equally to eligible counties and districts with less than one million dollars of local funds budgeted for arthropod control. To be eligible for state funds, counties and districts with less than one million dollars of local funds budgeted for arthropod control must allocate to arthropod control local funds totaling at least twenty five percent of the state distribution. Should a county or district allocate less than the required twenty five percent of the state distribution in local funds, then the state funds shall prorated accordingly. The remaining thirty percent of state funds shall be allocated equally to counties and districts with between one million dollars and three million dollars of local funds budgeted for arthropod control to support public arthropod education programs and outreach.

Rulemaking Authority 388.261, 388.361 FS. Law Implemented 388.261 FS. History—New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94, 6-10-04,\_\_\_\_\_.

#### 5E-13.031 District or County Use of Funds.

(1) When purchasing equipment with state funds, the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased when the cost will exceed twenty-five thousand (\$25,000) dollars per unit and the purchase deviates from the approved detailed work plan.

(2) Districts or counties as authorized by law may, upon department approval, purchase equipment by borrowing funds, time-payment plan or lease-purchase plan. When purchases are made in whole or in part from local funds, amounts paid from local funds in each fiscal year for the purchase price or principal of loan shall be matched with state funds provided interest, carrying charges or other loan costs will not be matched.

~~(3) State funds shall not be used for payment of any item shown under paragraphs 5E-13.030(8)(a)-(g), F.A.C.~~

~~(3)(4)~~ Proceeds from sale or rental of property purchased with state funds shall be deposited and credited to State funds.

~~(4)(5)~~ Insecticide spray material shall not be sold by districts or counties without approval from the Department.

~~(5)(6)~~ State funds received shall be deposited in a separate depository account from local funds received. Disbursements shall be made on prenumbered checks or warrants drawn on proper depository accounts.

~~(6)(7)~~ Local and state funds shall be deposited in banks designated as depositories of public funds in accordance with provisions of Section 658.60, F.S.

Rulemaking Authority 388.361 FS. Law Implemented 388.231, 388.281 FS. History—New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94, 6-10-04,\_\_\_\_\_.

#### 5E-13.0331 Use of Pesticides for Arthropod Control, Labels, Limitations, Precautions and Storage.

(1) Only those pesticides having state registration shall be used for arthropod control. All registered pesticides used for arthropod control, including adulticides or larvicides, must be used in accordance with the registered label and labeling or be otherwise accepted by the United States Environmental Protection Agency or the Department.

(2) Public Health Pest Control applicators shall maintain specimen copies of current registered labels for all pesticides used in arthropod control operations and such labels shall be available for inspection by the Department upon request.

(3) All pesticide concentrates and pesticides mixed for application stored in containers, other than the original container with the original label or application equipment, shall be accurately identified with a permanent, durable label or tag, providing the following information:

(a) Name, address, and telephone number of the county or district program;

(b) Product name (if diluted, preceded by the word "Diluted");

(c) EPA registration number from product label (if diluted, preceded by the words "Derived from");

(d) Name and percentage of active ingredient as concentrate or dilution; and

(e) Signal word from the registered product label.

(4) All pesticides shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: a locked and fenced area where the fence height is at least 6 feet, areas protected by door locks, valve locks, or electronic security systems, or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store pesticides must be of rigid construction so unauthorized entry cannot be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it cannot be towed or otherwise removed by unauthorized persons.

(5) Application equipment shall be calibrated either once annually, or as required by label directions or manufacturer directions, whichever requires calibration more frequently, to ensure application of the correct particle size and accurate and uniform dosages in accordance with labeling specifications.

Rulemaking Authority 388.361 FS. Law Implemented 388.361 FS. History–New \_\_\_\_\_.

5E-13.035 Intent.

Rulemaking Authority 388.361 FS. Law Implemented 388.361 FS., U. S. Pub. Law 92-516, Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.35, 10D-54.035, Repealed \_\_\_\_\_.

5E-13.037 Aircraft Application for the Control of Adult Arthropods.

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

(b) ~~Adulticides selected shall be those labeled for aircraft application in accordance with paragraph 5E-13.046(6)(b), F.A.C., to provide adequate control of the problem mosquitoes or other arthropods and when used in accordance with widespread and commonly recognized practice, it will not cause unreasonable adverse effects on the environment. Adulticide labels will be strictly followed.~~

(c) through (3) No change.

Rulemaking Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS., Section 11, Chapter 91-428, Laws of Florida. History–New 2-10-87, Formerly 10D-54.037, Amended \_\_\_\_\_.

5E-13.0371 Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each mosquito control aircraft used for aerial pesticide application, must be annually registered with the department. Application for registration shall be on the form entitled “Application for Aircraft Registration” (FDACS-13354, Rev. 10/13) 01/02, as adopted in Rule 5E-9.036, Florida Administrative Code provided by the department. The completed registration form shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8, Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) through (3) No change.

~~(4) Storage. All pesticides on the premises owned or controlled by any mosquito control applicator or mosquito control district shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store pesticides must be of rigid construction so unauthorized entry cannot be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it cannot be towed or otherwise removed by unauthorized persons.~~

~~(4)(5) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of a mosquito control aircraft required to be registered with the department pursuant to subsection (1) above shall be transmitted to the department on the form (1) Florida Department of Revenue Form DR 42A Rev 03/02 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) U.S. Department of Transportation Federal Aviation Administration form entitled “Aircraft Bill of Sale” AC Form 8050-2 (01/12) (09/92), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03552> or (3) the form entitled “Report of Aircraft Transaction” Form (FDACS-13355, Rev. 10/13) 01/02, as adopted in Rule 5E-9.036, Florida Administrative Code, within 24 hours of the transaction.~~

~~(5)(6) Recordkeeping. Aerial mosquito control applicators shall maintain records relating to each application of pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request. Mosquito control aircraft operating as public aircraft not regulated by the FAA are exempt from the records referencing FAA numbers. The completed forms shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8, Tallahassee, Florida 32399-1650.~~

(a) through (g) No change.

~~(6)(7) Area-of-Application Information. The information listed in paragraphs 5E-13.0371(5)(6)(a) through (5)(6)(g), F.A.C., is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.~~

~~(8) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650, telephone (850)617-7850.~~

~~(a) Application for Aircraft Registration (FDACS 13354), Rev 01/02.~~

~~(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR 42A), Rev. 03/02.~~

~~(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).~~

~~(d) Report of Aircraft Transaction (FDACS 13355), Rev 01/02.~~

Rulemaking Authority 487.051(1)(d), (e), 570.07(23), (39), (40) FS. Law Implemented 388.361(2)(b), 487.051(1)(d), (e), 570.07(39), (40) FS. History–New 2-25-03, Amended 8-9-06, \_\_\_\_\_.

5E-13.040 Criteria for Licensure of Applicators.

(1) through (3) No change

(4) All persons licensed in Public Health Pest Control shall provide evidence of continued competency prior to license renewal by accruing a minimum of sixteen (16) continuing education units during their four year licensure period. The licensee shall provide proof of continuing education training on the form entitled "Record of Attendance for Continuing Education Units (CEUs)" (FDACS-13325, Rev. 10/13), as adopted in Rule 5E-9.029, Florida Administrative Code, prior to license renewal. Failure to meet continuing education requirements shall result in the nonrenewal of the license, and applicators shall retake and pass both the Public Health Pest Control and the General Standards (Core) examinations in order to obtain a new license.

(5) through (9) No change.

Rulemaking Authority 388.361 FS. Law Implemented 388.361(4) FS. History—New 2-10-87, Formerly 10D-54.040, Amended 3-14-94, 8-9-06, \_\_\_\_\_.

5E-13.041 Authorization for the Department to Promulgate Rules and Regulations More Stringent Than EPA. Rulemaking Authority 388.361 FS. Law Implemented 388.361(3) FS., Section 11, Chapter 91-428, Laws of Florida. History—New 2-10-87, Formerly 10D-54.041, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anderson H. Rackley, Director, Division of Agricultural Environmental Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 31, 2013 and November 20, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-5.008  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To correct authority for continuing education approvals and a Florida Administrative Code subsection reference.

SUMMARY: The proposed rule amendment changes the rulemaking authority from the division to the department and corrects a rule citation.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

**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 economic review conducted by the agency.

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: 399.01, 399.02, 399.07 FS.

LAW IMPLEMENTED: 399.01, 399.02, 399.061, 399.07 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: Michelle Comingore, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133; dhr.rules@myfloridalicense.com

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

61C-5.008 Definitions.

When used in this rule chapter, the following terms shall have these meanings:

(1) No change.

(2) "Course" means a course, seminar or other program of instruction approved by the department ~~bureau~~ for the purpose of satisfying continuing education requirements established in Chapter 399, F.S.

(3) No change.

(4) "Course provider" means the person or entity approved by and registered with the department ~~bureau~~ pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.

(5) through (10) No change.

(11) "Syllabus" means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.0085(3) ~~61C-5.008(3)~~, F.A.C.



Rulemaking Authority 399.01, 399.02, 399.07 FS. Law Implemented 399.01, 399.02, 399.061, 399.07 FS. History—New 11-9-06, Amended 1-18-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diann Worzalla, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation  
 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: December 4, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-5.0085 RULE TITLE: Continuing Education Requirements  
 PURPOSE AND EFFECT: To update application forms and submission requirements and conform agency authority as assigned in the rule to authority specified in statute.

SUMMARY: The proposed rule amendment corrects the authority for continuing education requirements, registration, and approval; adds a 30-day continuing education course application time limit; and adopts an updated application.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

**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 economic review conducted by the agency.

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: 399.01, 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.01(16), 399.17 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: Michelle Comingore, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133, dhr.rules@myfloridalicense.com.

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

61C-5.0085 Continuing Education Requirements.

(1) Continuing Education Requirements.

(a) To renew a certificate of competency or a certified elevator inspector credential issued by the ~~division bureau~~ pursuant to Chapter 399, F.S., a person must submit, in addition to the other requirements specified in Rule 61C-5.007, F.A.C., proof of completion within the current annual licensure period of 8 hours of approved continuing education, including at least one course hour related to safety in elevator construction, alteration, modification, repair or maintenance.

(b) through (d) No change.

(2) Course Provider Registration.

(a) Each course provider must register with the ~~department bureau~~ to conduct courses that satisfy continuing education requirements of Chapter 399, F.S., by submitting DBPR Form HR 5023-017 APPLICATION FOR COURSE PROVIDER REGISTRATION AND COURSE APPROVAL (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03447>), incorporated herein by reference and effective ~~2013 November 22 2011~~ July 15, ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00260~~. ~~Instructions for completing DBPR Form HR 5023-017 are available in DBPR Form HR 5023-017i, INSTRUCTIONS FOR COMPLETING DBPR Form HR 5023-017 APPLICATION FOR COURSE PROVIDER REGISTRATION AND COURSE APPROVAL, incorporated herein by reference and effective 2011 July 15, http://www.flrules.org/Gateway/reference.asp?No=Ref-00261.~~ Copies of ~~this form these forms~~ are available from the Division of Hotels and Restaurants Internet website at [www.MyFloridaLicense.com/dbpr/hr](http://www.MyFloridaLicense.com/dbpr/hr); by e-mail to [dhr.elevators@myfloridalicense.com](mailto:dhr.elevators@myfloridalicense.com); or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. Each application for course provider registration must include application for approval of at least one course.

(b) No change.

(c) A course provider must provide the ~~department bureau~~ written notice of any material changes to information contained in its most recent application for, or renewal of, registration no later than 30 days after such a change.

(d) The ~~department bureau~~ shall maintain a list of all approved continuing education course providers.

(e) Course provider registration is subject to the provider's continued compliance with the ~~bureau's~~ minimum requirements set out in this rule. The ~~department bureau~~ may conduct random audits of any registered provider to determine compliance and may audit any provider if it has reason to believe a provider is not in compliance with this section.

(f) The ~~department bureau~~ shall deny, suspend, or revoke the registration of any course provider based on any of the following:

1. through 2. No change.

3. Failure to notify the ~~department bureau~~ of a change in the information required in subsection (4) for registration of course providers.

4. through 6. No change.

7. Failure to provide the ~~department bureau~~ with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

8. No change.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, F.S., or the rules adopted by the ~~department bureau~~ to implement that section.

10. No change.

(g) through (h) No change.

(3) Continuing Education Course Approval.

(a) through (b) No change.

(c) Continuing education courses will only be considered for approval when a registered course provider submits DBPR Form HR 5023 APPLICATION FOR COURSE PROVIDER REGISTRATION AND COURSE APPROVAL to the ~~department no less than 30 days prior to date the first session of the course is scheduled to be conducted bureau~~. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the name and qualifications of all instructors known at the time of the application; a sample roster; a sample of the certificate provided upon completion of the course; and the course identification number, if known. If the course provider does not submit a unique course identification number with the application, the ~~department bureau~~ shall assign each approved course a unique identification number. The ~~department bureau~~ may request additional information as necessary to consider the course for approval.

(d) Any course denied approval may be modified and resubmitted for approval.

(e) The ~~department bureau~~ may not deny or withdraw approval for a course on the sole basis that another ~~approved~~ course provider conducts the same or similar course ~~approved by the bureau~~.

(f) Course approval is subject to continued compliance with the ~~bureau's~~ minimum requirements set out in this rule. The ~~department bureau~~ may deny or withdraw approval of a course when the course, course instructor, or course provider fails to meet the requirements of this rule.

(g) Continuing education courses may be conducted through interactive distance learning so long as the course has been approved by the ~~department bureau~~ and complies with all requirements in this subsection.

1. through 2. No change.

3. Each course provider must notify the ~~department bureau~~ in writing that it will provide the training program through interactive distance learning. Such notification must include the course provider name; the course identification number; the form of interactive electronic media utilized; the internet address for the course, if applicable; and the name and qualifications of the course instructor responsible for ensuring the course material remains relevant.

(h) The course provider must notify the ~~department bureau~~ in writing of any material changes to the information required by this subsection within 30 days of such change.

(i) The ~~department bureau~~ may conduct random reviews of any approved course, including interactive distance learning courses, to determine compliance and may audit any course if it has reason to believe the course is not in compliance with this rule.

(4) Course Instructor Qualifications.

(a) Course instructors must be affiliated with a registered course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. The course provider is responsible for verifying course instructors' qualifications. Course instructors must possess five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by and in good standing with the ~~division bureau~~;

2. through 3. No change.

(b) No change.

(5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, F.S., and provide any of these required records upon request

by the ~~department bureau~~. Such records must be maintained for three years, and contain the following:

1. through 3. No change.

4. The name, address and ~~department bureau~~ certification or registration number and type ~~for of~~ each person that completed a course session, regardless of whether a fee is charged.

5. The original sign-in sheet used on-site to record attendance for each course session, which must include: the time, date and address of the course session, the attendee's printed name, signature, and ~~department bureau~~ certification or registration number and type, and number of course hours the attendee completed. The sign-in sheet must prominently bear the following statement above the attendees' information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate" above the signature of the instructor and the printed names of the course provider and instructor.

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8 1/2 inches by 11 inches, displaying the following: the time and date of the course session; name of the course; number of course hours attended; the course provider's name and provider number assigned by the ~~department bureau~~; the course instructor's name and signature, and the unique course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the ~~department bureau~~ until such approval is granted.

(b) through (d) No change.

Rulemaking Authority 399.01, 399.02, 399.10 FS. Law Implemented 399.01(16), 399.17 FS. History—New 11-9-06, Amended 9-26-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Diann Worzalla, Director, Division of Hotels and Restaurants,  
Department of Business and Professional Regulation

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: December 4, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2013

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

#### DEPARTMENT OF CORRECTIONS

RULE NOS.:     RULE TITLES:  
33-602.220     Administrative Confinement  
33-602.222     Disciplinary Confinement

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 212, October 30, 2013 issue of the Florida Administrative Register has been withdrawn.

#### DEPARTMENT OF ELDER AFFAIRS

##### Federal Aging Programs

RULE NO.:     RULE TITLE:  
58A-5.024     Records

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 231, November 27, 2013 issue of the Florida Administrative Register.

Subsection 58A-5.024(1) is corrected to read:

58A-5.024 Records.

The facility ~~must shall~~ maintain required the following written records in a manner that makes such records readily available at the licensee's physical address for review by a legally authorized entity in a form, place and system ordinarily employed in good business practice and accessible to Department of Elder Affairs and Agency staff. If records are maintained in an electronic format, facility staff must be readily available to access the data and produce the requested information. For purposes of this section, "readily available" means the ability to immediately produce documents, records, or other such data, either in electronic or paper format, upon request.

(1) FACILITY RECORDS. Facility records ~~must shall~~ include:

(a) The facility's license ~~which shall be~~ displayed in a conspicuous and public place within the facility.

(b) An up-to-date admission and discharge log listing the names of all residents and each resident's:

1. Date of admission, the facility or place from which the resident was admitted, and if applicable, a notation indicating that the resident was admitted with a stage 2 pressure sore; and

2. Date of discharge, ~~the~~ reason for discharge, and ~~the~~ identification of the facility or home address to which the

resident ~~was~~ is discharged ~~or home address, or if the person is deceased, the date of death.~~ Readmission of a resident to the facility after discharge requires a new entry in the log. Discharge of a resident is not required if the facility is holding a bed for a resident who is out of the facility but intending intends to return pursuant to Rule 58A-5.025, F.A.C. If the resident dies while in the care of the facility, the log must indicate the date of death.

(c) A log listing the names of all temporary emergency placement and respite care residents if not included ~~in~~ ~~on~~ the log described in paragraph (b).

(d) An up-to-date record of major incidents occurring within the last 2 years. Such record shall contain a clear description of each incident; the time, place, names of individuals involved; witnesses; nature of injuries; cause if known; action taken; a description of medical or other services provided; by whom such services were provided; and any steps taken to prevent recurrence. These reports shall be made by the individuals having first hand knowledge of the incidents, including paid staff, volunteer staff, emergency and temporary staff, and student interns.

~~(d)(e)~~ The facility's emergency management plan, with documentation of review and approval by the county emergency management agency, as described ~~in~~ ~~under~~ Rule 58A-5.026, F.A.C., that must which shall be readily available located where immediate access by facility staff is assured.

~~(f)~~ Documentation of radon testing conducted pursuant to Rule 58A-5.023, F.A.C.;

~~(e)(g)~~ The facility's liability insurance policy required ~~in~~ ~~under~~ Rule 58A-5.021, F.A.C.;

~~(f)(h)~~ For facilities ~~that which~~ have a surety bond, a copy of the surety bond currently in effect as required by Rule 58A-5.021, F.A.C.

~~(g)(i)~~ The admission package presented to new or prospective residents (less the resident's contract) described in Rule ~~58A-5.0181~~ ~~58A-5.0182~~, F.A.C.

~~(h)(j)~~ If the facility advertises that it provides special care for persons with Alzheimer's disease or related disorders, a copy of all such facility advertisements as required by Section 429.177, F.S.

~~(i)(k)~~ A grievance procedure for receiving and responding to resident complaints and recommendations as described in Rule 58A-5.0182, F.A.C.

~~(j)(l)~~ All food service records required ~~in~~ ~~under~~ Rule 58A-5.020, F.A.C., including menus planned and served; ~~and~~ ~~county health department inspection reports;~~ ~~and for~~ ~~Facilities that which~~ contract for ~~entered~~ food services, must include a copy of the contract for food entered services and the food service contractor's ~~enterer's~~ license or certificate to operate.

~~(k)(m)~~ All fire safety inspection reports issued by the local authority or the State Fire Marshal pursuant to Section 429.41, F.S., and Rule Chapter 69A-40, F.A.C., issued within the last ~~2~~ ~~two~~ ~~(2)~~ years.

~~(l)(n)~~ All sanitation inspection reports issued by the county health department pursuant to Section 381.031, F.S., and Chapter 64E-12, F.A.C., issued within the last 2 years.

~~(m)(o)~~ Pursuant to Section 429.35, F.S., all completed survey, inspection and complaint investigation reports, and notices of sanctions and moratoriums issued by the agency within the last 5 years.

~~(p)~~ ~~Additional facility records requirements for facilities holding a limited mental health, extended congregate care, or limited nursing services license are provided in Rules 58A-5.029, 58A-5.030 and 58A-5.031, F.A.C., respectively.~~

~~(n)(q)~~ The facility's resident elopement response policies and procedures.

~~(o)(r)~~ The facility's documented resident elopement response drills.

~~(p)~~ For facilities licensed as limited mental health, extended congregate care, or limited nursing services, records required as stated in Rules 58A-5.029, 58A-5.030 and 58A-5.031, F.A.C., respectively.

The remainder of the proposed rule is unchanged.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 60, October 29, 2012 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 205, October 21, 2013 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: RULE TITLE:  
64B9-3.002 Qualifications for Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 75, April 17, 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**

**Suwannee River Water Management District**

The Suwannee River Water Management District (SRWMD) hereby gives notice that a final order has been issued. This Order (13-0005) grants variance under Section 120.542, F.S., to James Hair, 275 NW Stephen Foster Drive, White Springs, Florida 32096, for construction within the 75-foot setback from the top of the river bank within Township 2 South, Range 16 East, Section 7, Columbia County, parcel number 07-2S-16-01574 and 07-2S-16-01573 for James Hair District Floodway Project Modification (ERP006-0497M). The petition for variance was received by SRWMD on September 27, 2013. Notice of receipt of petition requesting variance was published in F.A.R., Vol. 39, No. 197, October 9, 2013. No public comment has been received. This Order provides a variance from SRWMD criteria for paragraph 40B-3030(13), F.A.C., for construction within the 75 foot setback from the top of the river bank. SRWMD granted the petition because the petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioners were required to comply with this rule.

A copy of the Order or additional information may be obtained by contacting Tilda Musgrove, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

**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 December 12, 2013, the Division issued an order. The Final Order was in response to a Petition

for a Variance from Macy's #824 at University Town Center, filed November 14, 2013, and advertised on November 20, 2013 in Vol. 39, No. 226, 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 2.18.5.1 and 2.20.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-388).

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 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 December 12, 2013, the Division issued an order. The Final Order was in response to a Petition for a Variance from SAKS Fifth Avenue, filed November 15, 2013, and advertised on November 20, 2013, in Vol. 39, No. 226, 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 2.20.4, 2.18.5.1, and 8.11.2.1.3(cc)(1)&(3) ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-389).

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 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 December 5, 2013, the Department received a letter withdrawing the Petition for variance from SPC-Health Education Center Annex Bldg., filed December 3, 2013, and advertised on December 5, 2013, in Vol. 39, No. 235, of the Florida Administrative Register. The Petition for variance requested a variance from an unspecified section of A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators operations. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW2013-399).

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 BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 5, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Finale on Sand Key Condominium(1). Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-411).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 5, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Finale on Sand Key Condominium(2). Petitioner seeks a variance of the requirements of ASME A17.1b,

Section 2.20.1, 2.18.5.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-412).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 9, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Daytona State College, Bld. 3. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-413).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 11, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Orlando Immunology Center. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm

which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-414).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

The Florida Real Estate Commission hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on August 29, 2013, by Tallahassee Land Management, Inc. The Notice of Petition for Waiver or Variance was published in Vol. 39, No. 170, of the August 30, 2013, Florida Administrative Register. Petitioner is seeking a permanent variance or waiver of Rule 61J2-10.034, F.A.C., to allow Tallahassee Land Management, Inc. to register the trade name TLG Real Estate Management while the same trade name is also registered to its affiliate, TLG Real Estate Services, PLLC.

The Commission's Order, filed on November 27, 2013, granted the petition with the following conditions: (1) only commercial properties and transactions are undertaken by the entities; and (2) the waiver or variance is limited in duration to the agreement between TLM and TLG being in force.

A copy of the Order or additional information may be obtained by contacting Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, N801, Orlando, Florida 32801, (850)487-1395 or Juana.Watkins@myfloridalicense.com.

**Section VI**

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

**DEPARTMENT OF TRANSPORTATION**

The Commercial Motor Vehicle Review Board announces a public meeting to which all persons are invited.

**DATE AND TIME:** January 9, 2014, 8:30 a.m.

**PLACE:** Embassy Suites, 10220 Palm River Road, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed

upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Heather Nelson, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Heather Nelson, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection announces public meetings to which all persons are invited.

**DATES AND TIMES:** February 14, 2014, 9:00 a.m.; April 11, 2014, 9:00 a.m.; June 27, 2014, 9:00 a.m.; August 15, 2014, 9:00 a.m.; October 17, 2014, 9:00 a.m.; December 11, 2014, 9:00 a.m.; December 12, 2014, 9:00 a.m. All meetings will begin at 9:00 a.m. unless otherwise noted. **Public Hearings Dates:** \*\*May (Date and Time TBA) \*\*November (Date and Time TBA) \*\*sites are yet to be arranged. Contact the Office of Environmental Services 30 days prior to meeting date for hearing location. The hearing will also be advertised in Florida newspapers 30 days before, and on the Official Notice website 2 weeks before the hearings.

**Public Hearings:**

\*\*May (Date and Time TBA)

\*\*November (Date and Time TBA)

**PLACE:** Department of Environmental Protection, 3900 Commonwealth Boulevard, Marjory Stoneman Building, Conference Room A, Tallahassee, Florida, (unless otherwise stated)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Acquisition and Restoration Council (ARC), as defined in Section 259.035, Florida Statutes, announces the following calendar of 2014 for their public hearings/meetings to which all interested parties are invited for the purposes of conducting business of the Council, including the review of land acquisition proposals, management plans and proposed uses of state-owned lands and to conduct other business of the Council.

A copy of the agenda may be obtained by contacting: Office of Environmental Services at (850)245-2784 or see website: [www.dep.state.fl.us/lands/arc\\_calendar.htm](http://www.dep.state.fl.us/lands/arc_calendar.htm).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Environmental Services at (850)245-2784 or see [www.dep.state.fl.us/landsarc\\_calendar.htm](http://www.dep.state.fl.us/landsarc_calendar.htm), Hank Vinson at (850)245-2713 or email: [Hank.Vinson@dep.state.fl.us](mailto:Hank.Vinson@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Environmental Services at (850)245-2784 or see website: [www.dep.state.fl.us/lands/arc\\_calendar.htm](http://www.dep.state.fl.us/lands/arc_calendar.htm), [Hank.Vinson@dep.state.fl.us](mailto:Hank.Vinson@dep.state.fl.us).

**DEPARTMENT OF HEALTH**

Board of Psychology

The Board of Psychology announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 24, 2014, 4:00 p.m., EST or soon thereafter; Friday, April 25, 2014, 8:00 a.m., EST or soon thereafter

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: ASPPB New Member Training and General Business Meeting.

A copy of the agenda may be obtained by contacting: the Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373, ext. 3468 or by visiting our website at [www.floridahealth.gov/licensing-and-regulation/psychology](http://www.floridahealth.gov/licensing-and-regulation/psychology).

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 board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF HEALTH**

Board of Psychology

The Board of Psychology announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2014, 8:00 a.m., E.S.T. or soon thereafter

PLACE: Tampa Marriott Westshore, 1001 North Westshore Boulevard, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: the Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373, ext. 3468 or by visiting our website at [www.floridahealth.gov/licensing-and-regulation/psychology](http://www.floridahealth.gov/licensing-and-regulation/psychology).

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 board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF HEALTH**

Board of Psychology

The Board of Psychology announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2014, 8:00 a.m., EST or soon thereafter

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: the Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373, ext. 3468 or by visiting our website at [www.floridahealth.gov/licensing-and-regulation/psychology](http://www.floridahealth.gov/licensing-and-regulation/psychology).

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 board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

The Board of Psychology announces a public meeting to which all persons are invited.

**DATE AND TIME:** January 24, 2014, 8:00 a.m., EST or soon thereafter

**PLACE:** Crowne Plaza Pensacola, 200 E. Gregory Street, Pensacola, FL 32501

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting

A copy of the agenda may be obtained by contacting: the Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373 ext. 3468 or by visiting our website at [www.floridahealth.gov/licensing-and-regulation/psychology](http://www.floridahealth.gov/licensing-and-regulation/psychology).

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 board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

The Bureau of Emergency Medical Oversight announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 19, 2013, 1:00 p.m.

**PLACE:** Capital Circle Office Complex – Southwood, 4042 Bald Cypress Way, Conference Room 210J, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Emergency Probable Cause Panel Meeting to discuss a confidential case with the Emergency Action Unit. Portions of this meeting will not be open to the public.

A copy of the agenda may be obtained by contacting: Kimberly Moore at (850)245-4440, ext. 2759.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The Florida Independent Living Council, Inc. announces public meetings to which all persons are invited.

**DATES AND TIMES:** Monday, January 27, 2014, 9:00 a.m.; Tuesday, January 28, 2014, 9:00 a.m.; Wednesday, January 29, 2014, 9:00 a.m.; full council meetings

**PLACE:** Homewood Suites Tallahassee, 2987 Apalachee Parkway, Tallahassee, FL 32301; call-in number 1(888)670-3525, code 5073148497

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the council.

**COMMITTEE AND TASK FORCE MEETINGS:** Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or toll-free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

**SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT**

The South Dade Soil & Water Conservation District announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, December 19, 2013, 9:30 a.m.

**PLACE:** USDA Florida City Service Center, 1450 N. Krome Ave., #104, Florida City, FL 33034

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular agenda items for presentation to the Board of Supervisors, Ag Lab Report, MIL Report, And District Projects.

A copy of the agenda may be obtained by contacting: Gina Dolleman, (305)242-1288.

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: SDSWCD, (305)242-1288. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Morgan Levy, District Administrator, (305)242-1288.

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## Section VII

### Notice of Petitions and Dispositions Regarding Declaratory Statements

#### 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 James E. Olsen, Esq., In Re: Greenwood Village Condominium Association, Inc., Docket No. 2013049239, filed on December 4, 2013. The petition seeks the agency's opinion as to the applicability of Section 718.111(12)(c)(3), Florida Statutes, (2013) as it applies to the petitioner.

Whether Greenwood Village Condominium Association, Inc. is required to provide records that identify specific employees' compensation and itemized withholding in response to a unit owner request for records under Section 718.111(12)(c)(3), Florida Statutes, (2013).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Please refer all comments to: Joseph Helton, Acting 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. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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#### 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 Susan Pikus, In Re: Isla Merita Homeowners' Condominium Association, Inc., Docket No. 2013050066, filed on December 10, 2013. The petition seeks the agency's opinion as to the applicability of Section 718.111, Florida Statutes, as it applies to the petitioner.

Whether the board of directors of Isla Merita Homeowners' Condominium Association II, Inc. is authorized under article XIV of the declaration of condominium to change the paint color on the exterior of the units without a unit owner vote under Section 718.111, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Please refer all comments to: Joseph Helton, Acting 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. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by City of Port Orange on May 28, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 39, No. 116, of the June 14, 2013, Florida Administrative Register. The petitioner seeks the Board's interpretation of Sections 489.105(3), 489.105(3)(n), and 489.113(9)(a), FS, as to whether a certified underground utility and excavation contractor is lawfully authorized to contract with the City of Port Orange to perform work at a

reclaimed water treatment plant. The Board's Order, filed on November 27, 2013, issues a declaratory statement that a certified underground utility and excavation contractor can do the following items: a. Bypass pumping of influent sanitary sewer flow; b. Removal and replacement of above ground piping, 16 inch plug valves and mechanical slide with manual actuators and gates; c. Temporary underground piping for bypass pumping; d. Removal, and rehabilitation of above ground concrete channels and grating; including removing fiberglass liner assembly and rehabilitation of concrete surface; e. Application of the manufacturer's certified epoxy coating to above ground concrete channels; referenced in the Petition, and can do: f. Removal and replacement of self-cleaning mechanical bar screens and accessories, e.g., float balls, electrical connections and control panels referenced in the Petition, except for conduit and electrical connections which must be subcontracted.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-21.001 Independence

NOTICE IS HEREBY GIVEN that Board of Accountancy has received the petition for declaratory statement from Renata Dunn, CPA, filed on December 3, 2013. The petition seeks the agency's opinion as to the applicability of Sections 473.309 and 473.315, F.S., and Rule 61H1-21.001, F.A.C., as it applies to the petitioner.

The petition seeks the Board's interpretation of Sections 473.309 and 473.315, F.S., and Rule 61H1-21.001, F.A.C., regarding whether it is possible to maintain independence to perform audits through her company after acquiring an ownership interest in another CPA company that performs non-audit functions for mutual clients. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607 by email at Veloria.Kelly@myfloridalicense.com or by telephoning (352)333-2505.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

NOTICE IS HEREBY GIVEN that the Florida Real Estate Commission has issued an order disposing of the petition for declaratory statement filed by Peter J. Spiropoulos on July 3, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 136, of the July 15, 2013, Florida Administrative Register. The Commission's Order, filed on November 27, 2013, could not grant or deny the Petition because the Commission vote was tied 3-3.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Juana Watkins, Division of Real Estate, 400 West Robinson Street, N801, Orlando, Florida 32801, (850)487-1395 or by email: Lori.Crawford@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Medicine

NOTICE OF WITHDRAWAL OF PETITION FOR DECLARATORY STATEMENT

The Dietetics and Nutrition Practice Council hereby gives notice that the petition filed by Stephanie Norris, MS, RDN, LDN on September 4, 2013, seeking a declaratory statement with regard to Section 468.503, Florida Statutes, was withdrawn at the October 22, 2013 meeting of the Council. The Notice of Petition was published in Vol. 39, No. 174, of the September 6, 2013, issue of the Florida Administrative Register.

The person to be contacted regarding this petition is: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797, (850)245-4373, Allen\_Hall@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Psychology

NOTICE IS HEREBY GIVEN that the Board of Psychology has issued an order disposing of the petition for declaratory statement filed by Mary M.C. Wetherby, Ph.D on September 12, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 39, No. 199, of the October 11, 2013, Florida Administrative Register. The Petitioner seeks a declaratory statement on Section 490.003(4)(a), Florida Statutes, regarding whether she would be allowed to use Skype, Facetime and other means of telepsychology with her

patients in Florida while living in California. The Board's Order, filed on December 10, 2013, denies the Petition because it fails to describe Petitioner's particular circumstances and is extremely broad in scope and breadth.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797, (850)245-4373, Allen\_Hall@doh.state.fl.us.

**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**

**BREAKING GROUND CONTRACTING**

Duval County Public Schools

Notice of Bid

Sealed Bids will be received by Breaking Ground Contracting Company at 4218 Highway Avenue, Jacksonville, FL 32254 for Refrigeration System Replacement at the Nutrition Services Center per plans dated October 25, 2013, and specifications dated August 23, 2013, by Bhide and Hall Architects. P.A. until the time and date(s) recorded below:

**BIDS ARE DUE ON OR BEFORE Friday, January 17, 2014**

**AND WILL BE ACCEPTED until 4:00 p.m.**

Bids received after 4:00 p.m. will not be accepted

**PROJECT: REFRIGERATION SYSTEM REPLACEMENT**

at the

**NUTRITION SERVICES CENTER -10 DEGREE**

**WAREHOUSE**

A mandatory pre-bid and site visit will be held at the DCPS Nutrition Services Center, located at 3405 Norman E. Thagard Blvd., Jacksonville, Florida 32254 scheduled for Tuesday, January 7, 2014 at 10:00 a.m. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal.

Drawings may be obtained from the Construction Manager: Contact Mary Tappouni at (904)388-1350, ext. 214 or e-mail [estimating@breakinggroundcontracting.com](mailto:estimating@breakinggroundcontracting.com).

**Section XII  
Miscellaneous**

**DEPARTMENT OF JUVENILE JUSTICE**

Policy and Procedure Updates

The Department of Juvenile Justice has posted one revised policy and procedure for comment and review: FDJJ 1003.22, Sexual Harassment and Discrimination. The policy will be posted until December 31, 2013, on the Department's webpage at <http://www.djj.state.fl.us/partner/policies-resources/department-policies/policies-under-review>.

Directions for submitting comments can be found at the above webpage.

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

RULES FILED BETWEEN DECEMBER 9, 2013 AND  
DECEMBER 13, 2013

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

**Division of Elections**

1S-2.0001	12/12/2013	1/1/2014	39/214	
1S-2.045	12/12/2013	1/1/2014	39/214	
1S-2.052	12/12/2013	1/1/2014	39/216	

**DEPARTMENT OF LEGAL AFFAIRS**

**Florida Elections Commission**

2B-1.006	12/12/2013	1/1/2014	39/214	
2B-2.001	12/12/2013	1/1/2014	39/214	
2B-2.002	12/12/2013	1/1/2014	39/214	
2B-2.003	12/12/2013	1/1/2014	39/214	
2B-2.004	12/12/2013	1/1/2014	39/214	

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-54.001	12/12/2013	1/1/2014	39/125	39/208
5B-54.002	12/12/2013	1/1/2014	39/125	
5B-54.010	12/12/2013	1/1/2014	39/125	39/208
5B-54.0105	12/12/2013	1/1/2014	39/125	39/208
5B-54.011	12/12/2013	1/1/2014	39/125	39/208
5B-54.014	12/12/2013	1/1/2014	39/125	39/208
5B-54.015	12/12/2013	1/1/2014	39/125	39/208
5B-54.016	12/12/2013	1/1/2014	39/125	39/208
5B-54.017	12/12/2013	1/1/2014	39/125	39/208
5B-54.0175	12/12/2013	1/1/2014	39/125	39/208
5B-54.018	12/12/2013	1/1/2014	39/125	39/208
5B-54.019	12/12/2013	1/1/2014	39/125	39/208

**Division of Standards**

5F-11.071	12/12/2013	1/1/2014	39/166	
5F-11.072	12/12/2013	1/1/2014	39/166	39/210

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**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-4.002	12/12/2013	1/1/2014	39/163	39/227
6A-4.003	12/12/2013	1/1/2014	39/163	39/227
6A-6.0574	12/12/2013	1/1/2014	39/206	39/22
6A-6.0981	12/12/2013	1/1/2014	39/206	39/227
6A-20.028	12/12/2013	1/1/2014	39/181	39/227

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

59A-9.025	12/13/2013	1/2/2013	39/196	39/226
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**Medicaid**

59G-1.040	12/11/2013	12/31/2013	39/167	39/205
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-210.370	12/11/2013	12/31/2013	39/215	
62-210.900	12/11/2013	12/31/2013	39/215	
62-213.205	12/11/2013	12/31/2013	39/215	
62-213.900	12/11/2013	12/31/2013	39/215	

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

64B4-6.0046	12/13/2013	1/2/2014	39/174	39/224
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**Board of Massage**

64B7-28.009	12/13/2013	1/2/2014	39/213	
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**Board of Pharmacy**

64B16-28.901	12/11/2013	12/31/2013	39/186	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

69B-221.075	12/9/2013	12/29/2013	39/168	39/223
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**FSC - Financial Institution Regulation**

69U-140.020	12/13/2013	1/2/2014	39/192	
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**Finance**

69V-560.1012	12/13/2013	1/2/2014	39/192	39/220
69V-560.102	12/13/2013	1/2/2014	39/192	39/220
69V-560.302	12/13/2013	1/2/2014	39/192	39/216; 39/222

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**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Strategic Business Development**

73A-5.001	12/12/2013	1/1/2014	39/143	39/184
73A-5.002	12/12/2013	1/1/2014	39/143	39/184
73A-5.003	12/12/2013	1/1/2014	39/143	39/184
73A-5.004	12/12/2013	1/1/2014	39/143	39/184
73A-5.005	12/12/2013	1/1/2014	39/143	39/184
73A-5.006	12/12/2013	1/1/2014	39/143	39/184

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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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