

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-17.006 Electric Utility System Conservation End
 Use Data

PURPOSE AND EFFECT: This rule requiring submission of certain information to be used in establishing energy conservation goals is to be repealed as duplicative and obsolete because the information is available to the Commission from other sources, including the Commission’s demand-side management goal-setting process, utility residential and on-site customer energy audits, and governmental sources.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Electric Utility Conservation End Use Data.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1), 366.82 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: Kathryn G.W. Cowdery, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-27.001 College or University Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the prohibition against using advanced subject education hours to qualify under the rule additionally to satisfy the requirements of Rule 61H1-27.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: College or University Requirements.

RULEMAKING AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-31.014 Continuing Education Provider and Course
 Approval Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the fee for continuing education provider status.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Provider and Course Approval Fees.

RULEMAKING AUTHORITY: 473.305, 473.312 FS.

LAW IMPLEMENTED: 473.305, 473.312 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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-33.003 Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirement that sponsors of formal correspondence or other individual study programs be approved by the National Association of the State Board of Accountancy.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) 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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

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Section II Proposed Rules

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-3.411
RULE TITLE: Well Completion Report

PURPOSE AND EFFECT: The purpose is to amend Rule 40D-3.411, F.A.C., to require the submittal of a Well Completion Report within 30 days of the completion of the construction, repair or abandonment of any well. The effect of the rule is to ensure the timely inspection of wells and determination of compliance with well construction regulations.

SUMMARY: The rule currently allows submittal of a Well Completion Report within 30 days of the expiration of a permit. Because a permit's duration can be extended for up to a year and the attendant Well Completion Report may not be filed for many months after the well has been constructed, this has caused problems with the timely inspection of wells and determination of compliance with well construction regulations. The proposed rule ensures that wells will be inspected and well construction violations addressed in a timely manner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.308, 373.309, 373.313 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: Sonya White, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012032)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled "State of Florida Well Completion Report," Form No. LEG-R.005.02 (6/10), incorporated herein by reference, within 30 days of the completion of construction, repair or abandonment of any well ~~expiration of the permit~~. Copies of the Well Completion Report form can be obtained from the District's website at www.watermatters.org or from District offices.

(b) through (d) No change.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07, 8-19-08, 8-30-09, 9-12-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Adrienne E. Vining, Senior Attorney
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Southwest Florida Water Management
 District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 18, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: May 10, 2013

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: Sonya White, 7601 Highway 301
 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC
 #2012032)

THE FULL TEXT OF THE PROPOSED RULE IS:

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-3.492 Violations of Permits

PURPOSE AND EFFECT: The purpose of the proposed new rule is to provide a discrete list of actions, omissions, and conduct that are considered violations of Chapter 40D-3, F.A.C., and establish a new deadline for submittal of Well Completion Reports. The effect is to clearly specify those actions the District will pursue as violations of the requirements of Chapter 40D-3, F.A.C., and to ensure the timely inspection of wells and determination of compliance with well construction regulations.

SUMMARY: The new rule provides a list of activities that are considered violations of Chapter 40D-3, F.A.C., so that those who are regulated by the District are on notice of those actions for which the District will pursue enforcement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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

RULEMAKING AUTHORITY: 373.044, 373,113. 373.171 FS.

LAW IMPLEMENTED: 373.308. 373.309, 373.342 FS.

40D-3.492 Violations of Permits.

(1) Actions, omissions, or conduct that shall be considered a violation of this part. are:

(a) failure to submit a complete well completion report within 30 days of the completion of construction, repair or abandonment of any well.

(b) Intentional misrepresentation or falsification of records.

(c) Failure to obtain a permit when required under Rule 40D-3.041, F.A.C.

(d) Failure to keep a field log at the drilling site with accurate information of all construction activities.

(e) Failure to provide a field log upon request to a District representative at the drilling site unless a field log is not available at the site.

(f) Failure to report to the District within 30 days of expiration of the permit when no work is performed or the well is not completed.

(g) Failure to comply with any or all permit conditions.

(h) Failure to notify the District 24 hours prior to the commencement of drilling operations of any public supply well.

(i) Failure to notify the District 24 hours prior to the placement of grout in the annular space of any public supply well.

(j) Failure to notify the District 48 hours prior to the completion of a well that is subject to the requirements of Rule 40D-3.600, F.A.C.

(2) Violations may be reported by any person, including District staff.

Rulemaking Authority 373.044, 373,113. 373.171 FS. Law Implemented 373.308. 373.309, 373.342 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Adrienne E. Vining, Senior Attorney
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Southwest Florida Water Management
 District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: May 10, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

RULE NOS.:	RULE TITLES:
61-31.101	License Requirements
61-31.102	Examination
61-31.301	Delinquent License
61-31.302	Inactive, Active Status
61-31.401	License Renewal
61-31.402	Discretionary Hardship Reinstatement of Null or Void Licenses
61-31.501	Department Approval of Education Providers
61-31.505	Approval of Courses
61-31.602	Disciplinary Guidelines
61-31.603	Notice of Noncompliance
61-31.604	Citations
61-31.605	Mediation

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement the regulations for Mold-Related Services, enacted in Chapter 468, Part XVI, Florida Statutes.

SUMMARY: The proposed rules address the licensing and regulation of Mold-Related Services, enacted in Chapter 468, Part XVI, Florida Statutes.

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

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

A SERC has been prepared for the following rules: 61-31.101, 61-31.301, 61-31.302, 61-31.401, 61-31.402, 61-31.501, 61-31.602, and 61-31.604. The following is a Summary of the SERCs for the aforementioned rules.

- The rules are not likely to directly or indirectly have an adverse impact on economic growth; private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.
- The rules are not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.
- The rules are not likely to directly or indirectly increase regulatory costs, including any transaction costs, in excess of

\$1 million in the aggregate within 5 years after the implementation of the rules.

- The number of individuals and entities likely to be required to comply with the rules based on the number of licensed Home Inspectors over the last two years will be approximately 2000, active and inactive.
- The department will not incur any costs for implementing or enforcing the proposed rules.
- There will be no cost to any other state and local government entities of implementing the proposed rules.
- The total estimated costs to the licensees in a 5 year period is not in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.
- The estimated number of small businesses that would be subject to the rules is greater than 5000.
- There is no small county or small city that will be impacted by the rules.

The remainder of the rules do 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 rules.

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

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

RULEMAKING AUTHORITY: 120.695, 455.2035, 455.217(1), 455.2177, 455.2178, 455.2179, 455.219, 455.2235(1), 455.224, 455.225(3), 455.2273, 468.8413(5), 468.8415(2), 468.8416, 468.8417, 468.8424 FS.

LAW IMPLEMENTED: 120.695, 455.203(1), 455.2123, 455.213, 455.217, 455.2177, 455.2178, 455.2179, 455.219, 455.2235, 455.224, 455.225, 455.227, 455.2273, 455.2281, 455.271, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8419, 468.842, 468.8421 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: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

THE FULL TEXT OF THE PROPOSED RULE IS:

61-31.101 License Requirements.

(1) For the purposes of department evaluation of applications:

(a) A degree in a "related field of science," as required by Section 468.8413(2), F.S., includes a degree in any biology, chemistry, environmental, earth, or physical science.

(b) To establish "documented field experience," as required by Section 468.8413(2), F.S., an applicant must submit evidence of at least 15 mold assessments or remediation projects performed, in whole or in part, by the applicant or proof of employment in mold-related services. 15 projects for each 12 month period equals one year of experience.

(c) To establish training in water (moisture intrusion), mold, and respiratory protection, an applicant must submit a certificate(s) of completion or verifiable documentation of completion of such training.

(2) The Department shall issue a license to an applicant who complies with subsection (3) or (4) and complies with the following:

(a) The requirements as set forth in Chapter 468, Part XVI, F.S.;

(b) Submits a completed form DBPR MRS 0701, "Application for Licensure" effective April 2013, adopted and incorporated herein by reference, which may be obtained by contacting the Mold Related Services Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____.

(c) Submits the following fees with the application:

1. Application fee of \$125.00.

2. Licensure fee of \$100.00.

3. Unlicensed Activity fee of \$5.00.

(3) All applicants for licensure by examination must, in addition to the requirements of subsection (2):

(a) Provide proof of completion of education and/or experience requirements as required in Section 468.8413, F.S.

(b) Pass an examination as approved by the Department as described in Rule 61-30.103, F.A.C.

(3) All applicants for licensure by endorsement must, in addition to the requirements of subsection (2):

(a) Comply with the requirements set forth in Section 468.8414 (3) F.S.;

(b) Demonstrate that the applicant holds a valid license to practice mold assessment or mold remediation under the law of another state or territory of the United States, if the criteria for issuance of the licensee is substantially the same as the licensure criteria established by this Chapter 468, Part XVI, F.S. and the rules of the Department;

(c) Demonstrate that the applicant has passed a national, regional, state, or territorial licensing examination that is

substantially equivalent to an examination approved by the department as required by Section 468.8413, F.S. and Rule 61-30.103, F.A.C.;

(4) "Good Moral Character":

(a) The following shall be considered evidence showing a lack of good moral character for which the department may deny a licensure application:

1. A criminal history records check by the Florida Department of Law Enforcement indicating the applicant has pled guilty or nolo contendere to, or been found guilty of, regardless of adjudication, a crime that directly relates to the profession of home inspector, in any jurisdiction. Crimes that are deemed to be directly related to the professional responsibilities of a home inspector include, but are not limited to, fraud, theft, burglary, bribery, arson, dealing in stolen property, forgery, uttering a forged instrument, sexual battery, lewd conduct, child or adult abuse, murder, manslaughter, assault, battery, and perjury;

2. A criminal history records check by the Florida Department of Law Enforcement which exhibits a pattern of unlawful behavior which would indicate that the applicant has little regard for the law, the rules of society, or the rights of others. It is the applicant's repeated flaunting of or ignoring the law that evidences a lack of the moral character needed to perform the duties and assume the responsibilities of a home inspector, not the particular relationship of any one of the violations to the professional responsibilities of a home inspector;

3. The presence of prior civil lawsuits decided adversely against the applicant which involve matters bearing upon moral character and that directly relate to the profession of home inspectors or any related professions, such as construction or engineering. Such lawsuits include, but are not limited to: fraud, dishonesty, misrepresentation, concealment of material facts, or practicing a regulated profession without a license or certificate as required by law or rule;

4. The presence of prior administrative actions taken against any of the applicant's prior or current professional licenses held in any jurisdiction, decided adversely against the applicant which involve matters bearing upon moral character and that directly relate to the profession of home inspectors or any related professions, such as construction or engineering. Such administrative actions include, but are not limited to: fraud, dishonesty, misrepresentation, concealment of material facts, or practicing a regulated profession without a license or certificate as required by law or rule;

5. Prior payment by check to the department of any fee when there are insufficient funds to pay the same, if the applicant, upon notification by the department, fails to redeem the check or otherwise pay the fee within 30 days of the date of written notification by the department; and

6. Prior denial of licensure, registration, certification, or permit application by the Department or any Agency by reason of Section 775.16, F.S., pertaining to conviction of certain offenses involving controlled substances.

7. Conviction of a crime as set forth in Section 775.16, F.S., pertaining to certain offenses involving controlled substances.

(b) The department shall consider any documentation provided by the applicant in determining the applicant's good moral character. The following documentation may be provided by the applicant to the department to assist in the determination of moral character:

1. A statement from the applicant explaining the applicant's criminal/unlawful conduct and the reason the applicant believes the Department should issue the license;

2. Documentation evidencing the length of time since the conduct occurred or the age of the applicant at the time the conduct occurred;

3. Documentation evidencing successful rehabilitation;

4. Recommendations from parole or probation officers who supervised the applicant;

5. Recommendations from the prosecuting attorney or sentencing judge;

6. Character references from individuals other than immediate family members, who have known the applicant for 3 years or longer;

7. Police reports or transcripts which reveal the underlying facts of the crime;

8. Documentation evidencing the conduct was an isolated occurrence contrary to the applicant's normal pattern of behavior; and

9. Documentation evidencing community or civic activities with which the applicant has been associated. It is the applicant's responsibility to provide such mitigating evidence to the department.

(c) If the applicant makes incomplete, misleading or false statements regarding material facts in applying, such action will establish the applicant's lack of good moral character, and the application will be denied.

(d) If the department determines based on the evidence provided for in paragraph (4)(a) of this rule that the applicant does not possess good moral character, or the applicant has failed to provide documents to substantiate good moral character within the time limitations of Section 120.60, F.S., the application will be denied. However, the applicant will be given an opportunity by the department to waive the time limits of this rule and Section 120.60, F.S., if it appears to the department that, through the submission of additional information or with additional time for investigation and verification, the applicant's good moral character might be established.

(5) Any person desiring to change the status of his or her Mold-related license shall submit a completed Form DBPR MRS 0705, Maintenance Form effective April 2013, adopted and incorporated by reference, which may be obtained at

_____.
Rulemaking Authority 455.2035, 468.8413(5), 468.8424 FS. Law Implemented 455.213, 468.8413, 468.8414 FS. History—New
_____.

61-31.102 Examination.

(1) Any person desiring an initial license by examination as a mold assessor or remediator must pass one of the written examinations approved by the department for each license type, a list of which may be found at

(2) For purposes of Section 468.8313, F.S. "nationally recognized organization" means an organization that has national recognition in the mold assessment or mold remediation industry and certifies persons in the specialty of mold assessment or mold remediation pursuant to standards that have been approved by the department as substantially equivalent to the requirements of Chapter 468, Part XVI, F.S. and Section 455.217, F.S.

(3) Standards for approval of Mold Assessment examination and Mold Remediation examination:

(a) The examination is proctored; and

(b) The mold assessment examination covers the physical sampling and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location, and extent of amplification of mold growth greater than 10 square feet.

(c) The mold remediator examination covers the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter greater than 10 square feet.

(4) The fees for examination and re-examination shall be determined by the vendor and paid by the applicant directly to the vendor providing the examination.

Rulemaking Authority 455.2035, 455.217(1), 468.8413(5), 468.8424 FS. Law Implemented 455.217, 468.8413 FS. History—New
_____.

61-31.301 Delinquent License.

(1) Any license status not renewed prior to the end of each biennial renewal period will automatically convert to a delinquent status.

(2) A licensee may convert a delinquent status license to active or inactive status by making a request in writing, remitting the applicable fee(s) as listed below, and complying with the continuing education requirements of Section 468.8416, F.S.

(3) Licensees who wish to convert a delinquent status license to active or inactive status must remit the following fees with their request to activate their license:

- (a) Delinquent fee of \$100.00;
- (b) Past Due Renewal fee of \$100.00;
- (c) Past Unlicensed Activity fee of \$5.00;
- (d) Renewal fee of \$100.00;
- (e) Unlicensed Activity fee of \$5.00.

(4) The failure of a delinquent status licensee to change the status of the license to active or inactive status before the expiration of the current licensure period shall render the license void without any further action by the department.

(5) A revoked or void license may not be renewed. Anyone with a revoked or void license who wishes to provide professional mold related services shall:

- (a) Apply as though never before licensed, or
- (b) Apply for discretionary hardship reinstatement pursuant to Section 455.271(6)(b), F.S and Rule 61-31.402, F.A.C.

Rulemaking Authority 455.2035, 468.8415(2), 468.8424 FS. Law Implemented 455.2281, 455.271, 468.8412, 468.8415, 468.8417 FS. History–New _____.

61-31.302 Inactive, Active status.

(1) A licensee may request at renewal to place his or her license in an inactive status by making a request in writing and remitting the applicable fee(s) as listed below.

(2) Licensees who wish to convert an active status license to an inactive status license during the renewal period must remit the following fees with their request to activate their license:

- (a) Change of Status: Set to Inactive fee of \$100.00;
- (b) Unlicensed Activity fee of \$5.00.

(3) A licensee may apply to the department at a time other than during the renewal period, to change the status of their license by submitting form #DBPR MRS 0702, “Change of Status Application”, effective April 2013, adopted and incorporated herein by reference, which may be obtained by contacting the department at the following address: Mold Related Services Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____. The licensee must remit the following fees to the department and comply with the continuing education requirements of Section 468.8416, F.S.:

(a) For licensees applying to change their licensure status from active to inactive, pay Change of Status: Set to Inactive fee of \$100.00;

(b) For licensees applying to change their licensure status from inactive to active, pay Change of Status: Set to Active fee of \$200.00.

Rulemaking Authority 455.2035, 468.8417(3), 468.8424 FS. Law Implemented 455.203(1), 455.2281, 455.271, 468.8412, 468.8417 FS. History–New _____.

61-31.401 License Renewal.

(1) A license shall be renewed biennially on or before July 31 of even numbered years.

(2) A licensee will renew a license, whether active or inactive, by paying a biennial license renewal fee of \$100.00, an unlicensed activity fee of \$5.00, and completing the continuing education as described in Section 468.8416, F.S.

(3) Failure to renew a license renders the license delinquent. Delinquent status may last one full renewal cycle. A delinquent license can be returned to active or inactive status by completing the required continuing education and paying the appropriate fees as described in Rule 61-31.301, F.A.C. If, at the end of the delinquent biennium, the license is not placed in active or inactive status, it becomes void.

Rulemaking Authority 455.2035, 468.8415(2), 468.8416 FS. Law Implemented 455.203(1), 455.271, 468.8415, 468.8416 FS. History–New _____.

61-31.402 Discretionary Hardship Reinstatement of Void Licenses.

(1) A former licensee may apply to seek Department approval for reinstatement and activation of the previous license if the individual failed to renew his or her license due to illness or economic hardship by fulfilling the requirements in subsections (2) and (3) of this rule.

(2) Complete the application DBPR MRS 0701 form, effective April 2013, incorporated herein by reference, as adopted in Rule 61-31.101, F.A.C. The form may be obtained by contacting the department at the following address: Mold Related Services Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____. The application shall include a letter requesting reinstatement under this rule and documentation to establish illness or economic hardship including the nature and duration.

(3) The applicant shall complete 14 hours of approved continuing education and pay an application fee, licensure fee, and a delinquent fee as listed in rule 61-31.301.

Rulemaking Authority 455.2035, 455.219, 468.8415, 468.8424 FS. Law Implemented 455.271 (6)(b), 455.213(1), 455.219, 468.8412, 468.8414, 468.8415 FS. History–New _____.

61-31.501 Continuing Education Provider Requirements.

(1) “Continuing Education Provider” means a person or legal entity who is registered pursuant to this rule chapter and who is responsible for conducting a continuing education course approved pursuant to this rule chapter. The continuing education provider is responsible for maintaining records for four years.

(2) Approval of Continuing Education Providers:

(a) Provider approval is valid until May 31 of odd numbered years and must be renewed prior to expiration. An approved education provider may renew the approval, whether active or inactive, by paying an Education Provider Biennial Approval Renewal fee of \$250.00.

(b) An applicant who submits form DBPR MRS 0703, "Continuing Education Course Provider", effective April 2013, incorporated herein by reference, which may be obtained by contacting the department at the following address: Mold Related Services Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____ . Applications for continuing education course provider approval must submit the Education Provider Approval fee of \$250.00 with the application.

(c) Any applicant who applies to become a continuing education course provider will be approved as a course provider upon meeting applicable requirements.

(3) Continuing Education Course Provider Obligations:

(a) To maintain status as a continuing education provider, the provider must comply with the requirements of Sections 455.2177, 455.2178, and 455.2179, F.S.:

1. Require each licensee to complete the entire course or seminar in order to receive credit for the course.

2. Provide the Florida Department of Business and Professional Regulation provider number on all course advertisements.

3. Furnish each licensee with an individual certificate of attendance containing the licensee's name, license number, provider name, provider number, course name, course number, date of the course completion and the total number of hours successfully completed in each subject.

4. Resolve reporting conflicts with the licensee by the expiration date of the training course.

5. Report one education credit for each hour of classroom or interactive distance learning instruction. An "hour of classroom or interactive distance learning instruction" requires no less than fifty (50) minutes of instruction or participation.

6. Any changes in the course provider name, address or telephone number must be submitted in writing to the department, within 30 days of such change.

(b) The continuing education provider shall not offer any training courses if the provider status is expired or under discipline.

(c) If the continuing education provider status is revoked by the department, the provider cannot reapply to be registered as a provider for two years from the date of the Final Order revoking the registration.

(d) The department retains the right and authority to audit and/or monitor programs and review records and course materials given by any continuing education provider approved pursuant to this rule. The department shall reject individual programs given by a continuing education provider if the provider disseminates any false or misleading information in connection with the educational programs, or if the continuing education provider fails to conform to and abide by the rules of the department.

Rulemaking Authority 455.2035, 455.2177, 455.2178, 455.2179 FS. Law Implemented 455.2123, 455.2177, 455.2178, 455.2179 FS. History—New _____.

61-31.505 Approval of Continuing Education Courses.

(1) Education courses shall be valid for purposes of the licensure and education requirements only if such courses have received prior approval from the Mold-Related Services Licensing Program.

(2) The department's approval of an education course will be valid for two years when the following requirements are met:

(a) An application must be submitted using form DBPR MRS 704, "Application for Continuing Education Course Approval or Renewal, effective April 2013, incorporated herein by reference. The form may be obtained by contacting the department at the following address: Mold Related Services Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____.

(b) The course provider shall submit to the department the following for approval before the course is offered: the application adopted in paragraph (a), a detailed course outline describing the course's content and subject matter, and a written statement that explains in detail how the course relates to the practice of assessing or remediating mold as defined in Section 468.8411, F.S.

(c) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, and the name and qualifications of all instructors.

(3) A course provider making application to offer interactive distance learning must submit documents indicating the following:

(a) The means by which the course will demonstrate interactivity between the student and course provider within a maximum of 24 hours, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion.

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the course.

(e) That the student will be required to complete a statement at the beginning and end of the course indicating that he/she personally completed each module/session of instruction.

(f) The means by which the course provider will verify student identification.

(4) The following criteria shall be considered when approving continuing education courses:

(a) Previous approval by the Construction Industry Licensing Board, the Board of Professional Engineers, the Board of Architecture and Interior Design, the Building Code Administrators and Inspectors Board, or the Electrical Contractors' Licensing Board, so long as the courses pertain to one or more of the eight components of a home;

(b) For Mold Assessment continuing education courses, course topics concerning a process performed by a mold assessor that includes the physical sampling and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location, and extent of amplification of mold growth of greater than 10 square feet;

(c) For Mold Remediation continuing education courses, course topics concerning the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter of greater than 10 square feet that was not purposely grown at that location.

(5) Instructors:

(a) All instructors must hold active or inactive licenses as mold assessors or mold remediators; and

(b) Providers may not use instructors who are currently suspended or revoked due to disciplinary action against their license.

(6) Education courses must address mold related subjects and shall not involve the promotion or sale of any products.

(7) Any substantive changes made to approved courses, must be approved by the department before the changed course can be offered. Course approval shall be rescinded by the department if such notification is not made or the changes fail to otherwise conform to this rule.

(8) Course approvals shall be automatically rescinded if the provider status expires or is rescinded by disciplinary action or otherwise.

Rulemaking Authority 455.2035, 468.8424 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 468.8413(3), 468.8416 FS. History—New_____.

61-31.602 Disciplinary Guidelines.

(1) Whenever the department finds a licensee guilty of violating a provision of Chapter 455, F.S. or Chapter 468, Part XVI, F.S., the following Disciplinary Guidelines shall be followed. The identification of violations is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included:

<u>Statutory Violation</u>	<u>Description of Violation (This description is a general summary).</u>	<u>Penalty Range for First Violation.</u>	<u>Penalty Range for Subsequent Violation.</u>
<u>(a) Violation of: 468.842(1)(a), or 455.227(1)(q), F.S.</u>	<u>Violation of any provision of Chapter 468, Part XVI or 455.227(1)</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, or Suspension.</u>	<u>Fine up to \$5000; Plus Probation, Suspension, or Revocation.</u>
<u>(b) Violation of: 468.842(1)(b), or 455.227(1)(h), F.S.</u>	<u>Attempting to procure a license by bribery or fraudulent misrepresentations.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension, Revocation, or Denial of License.</u>	<u>Fine up to \$5000; Plus Probation, Suspension, Revocation, or Denial of License.</u>
<u>(c) Violation of: 468.842(1)(c), or 455.227(1)(f), F.S.</u>	<u>Having a license to practice mold assessment or mold remediation revoked, suspended, denied or acted against in another state, territory or country.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000; Plus Reprimand, Probation, Suspension, or Revocation.</u>
<u>(d) Violation of: 468.842(1)(d), or 455.227(1)(c), F.S.</u>	<u>Being convicted, found guilty, pleading nolo contendere to a crime, in any jurisdiction, that directly relates to the practice or ability to</u>	<u>Fine up to \$1000; Plus Reprimand, Suspension, or Revocation.</u>	<u>Fine up to \$5000; Plus Revocation.</u>

	<u>practice.</u>		
<u>(e) Violation of: 468.842(1)(e), or 455.227(1)(l), F.S.</u>	<u>Making or filing a known false report, willfully failing to file a required record or report, willfully impeding or obstructing such filing.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000; Plus Revocation.</u>
<u>(f) Violation of: 468.842(1)(f)</u>	<u>Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, or Suspension.</u>	<u>Fine up to \$5000; Plus Reprimand, Probation, Suspension, or Revocation.</u>
<u>(g) Violation of: 468.842(1)(g), F.S.</u>	<u>Engaging in fraud, deceit, negligence, incompetence or misconduct in the practice of mold assessment or remediation services.</u>	<u>Fine up to \$5000; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000 ; Plus Reprimand, Probation, Suspension, or Revocation.</u>
<u>(h) Violation of: 468.842(1)(h), F.S.</u>	<u>Failing to perform any statutory or legal obligation placed upon a licensed mold assessor or mediator; violating any provision of Chapter 468, Part XVI; violating an order of the department previously entered.</u>	<u>Fine up to \$1000 Plus Reprimand, Probation, or Suspension.</u>	<u>Fine up to \$5000 Plus Probation, Suspension, or Revocation.</u>
<u>(i) Violation of: 468.832(1)(i), F.S.</u>	<u>Practicing on a revoked, suspended, inactive or delinquent license.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000 Plus Probation, Suspension, or Revocation.</u>
<u>(j) Violation of: 455.227(1)(a), F.S.</u>	<u>Making false, fraudulent, deceptive or misleading representations</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, or Suspension.</u>	<u>Fine up to \$5000 Plus Reprimand, Probation, Suspension,</u>

	<u>in or related to the practice of the licensee’s profession.</u>		<u>or Revocation.</u>
<u>(k) Violation of: 455.227(1)(b), F.S.</u>	<u>Intentional violation of any administrative rule.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension.</u>	<u>Fine up to \$5000; Plus Suspension, Revocation.</u>
<u>(l) Violation of: 455.227(1)(g), F.S.</u>	<u>Having been found civilly liable for knowingly filing a false report or complaint against another licensee.</u>	<u>Fine up to \$1000; Plus Reprimand, or Probation.</u>	<u>Fine up to \$5000; Plus Suspension, or Revocation.</u>
<u>(m) Violation of: 455.227(1)(i), F.S.</u>	<u>Knowingly concealing information regarding violation of Chapter 468, Part XVI, or rules of the department.</u>	<u>Fine up to \$1000; Plus Reprimand.</u>	<u>Fine up to \$5000; Plus Probation, Suspension, or Revocation.</u>
<u>(n) Violation of: 455.227(1)(j), F.S.</u>	<u>Aiding, assisting, procuring, employing or advising unlicensed person or entity to practice profession contrary to Chapter 468, XVI, or 455, or rules of the department.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000; Plus Suspension, or Revocation.</u>
<u>(o) Violation of: 455.227(1)(k) , F.S.</u>	<u>Failing to perform any statutory or legal obligation of licensee.</u>	<u>Fine up to \$5000 ; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000; Plus Suspension, or Revocation.</u>
<u>(p) Violation of: 455.227(1)(n), F.S.</u>	<u>Exercise influence on client for improper financial gain of licensee or third party.</u>	<u>Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Revocation.</u>	<u>Fine up to \$5000; Plus Reprimand, Probation, Suspension, or Revocation.</u>
<u>(q) Violation of: 455.227(1)(o), F.S.</u>	<u>Practicing beyond the</u>	<u>Fine up to \$1000; Plus</u>	<u>\$5000; Plus</u>

	scope of license.	Reprimand, Probation.	Suspension.
(r) Violation of: 455.227(1)(p), F.S.	Accepting and performing or delegating responsibilities licensee knows or should know he or the delegee is not competent to perform.	Fine up to \$1000; Plus Reprimand, or Probation.	Fine up to \$5000; Plus Suspension, or Revocation.
(r) Violation of: 455.227(1)(r), F.S.	Interfering with an investigation, inspection or disciplinary proceeding.	Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Denial of Licensure.	Fine up to \$1000; Plus Suspension, Revocation, or Denial of Licensure.

(2) Additional Conditions which may be imposed through a final order:

(a) Licensee is placed on probation for a period of time as determined by the department;

(b) Failure to comply with any provision of an order shall result in the filing of a new complaint and if the licensee is found to be in violation, the license will be suspended until the licensee is compliant;

(c) The licensee shall demonstrate compliance with all the conditions of the Final Order, prior to the lifting of probation;

(d) Licensee shall complete additional continuing education courses of a specified type, as set forth by the Final Order, not to exceed more than 14 hours of continuing education courses.

(3) Aggravating/Mitigating Circumstances: The existence of aggravating or mitigating circumstances, as set forth below, will permit deviation from the guidelines upon clear and convincing evidence.

(a) Aggravating circumstances; circumstances which may justify deviating from the disciplinary guidelines include, but are not limited to:

1. History of previous violations of the practice act or the rules promulgated thereunder;

2. The magnitude and scope of the project and the damage inflicted upon the public;

3. Evidence of violations of professional practice acts in this or other jurisdictions which resulted in discipline by the regulatory authority;

4. Failure to attempt to correct the violation by the licensee;

5. Any other relevant aggravating circumstances.

(b) Mitigating circumstances; circumstances which may justify deviating from the disciplinary guidelines include, but are not limited to:

1. In cases of negligence, the minor nature of the project in question and the lack of danger to the public health, safety or welfare which resulted;

2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices or has practiced;

3. Restitution of any damages suffered by the licensee's client;

4. Remedial steps taken by the licensee to avoid similar violations in the future;

5. Attempts by the licensee to correct the violation;

6. Any other relevant mitigating circumstances.

Rulemaking Authority 455.2035, 455.2273, 468.8424 FS. Law Implemented 455.227, 455.2273, 468.8419, 468.842 FS. History—New _____.

61-31.603 Notice of Noncompliance.

(1) As an alternative to the provisions of Sections 455.255(1) and (2), F.S., the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation.

(2) A notice of non-compliance may be issued for the following minor violations:

(a) Offers to perform any mold assessment or remediation in violation of Section 468.8419(1)(b), F.S.

(b) Advertising goods or services in a manner that is fraudulent, false, deceptive or misleading in form or content in violation of Section 468.842(1)(f), F.S.

(3) This designation of minor violations for the purposes of Section 455.225(3), F.S., is limited to initial violations in which corrective action is commenced within 15 days of the department's issuance of a notice of noncompliance. The violation must be corrected within 15 days. If it cannot be corrected within 15 days, the licensee must move with due diligence to complete the corrective action. A violation for which the licensee fails to take corrective action within 15 days after notice shall no longer be deemed a minor violation and shall be treated as a citation violation, pursuant to Rule 61-31.604, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this section shall restrict the department from seeking full prosecution in such instances where aggravating circumstances are present which would preclude a minor violation dismissal.

Rulemaking Authority 455.2035, 455.225(3), 468.842(1)(f) FS. Law Implemented 120.695(1), 455.225, 468.8419, 468.842, 120.695(1) FS. History–New _____.

61-31.604 Citations.

(1) The following violations may be resolved by the issuance of a citation pursuant to Section 455.224, F.S., and Chapter 61-31, F.A.C.

<u>Violation</u>	<u>Fine</u>
<u>(a) Practice by an individual with an inactive or delinquent license, in violation of Section 468.842(1)(i), F.S.</u>	<u>\$1,000.00</u>
<u>(b) Failure of a mold assessor to maintain at least \$1 million general liability and errors-and-omissions insurance coverage for both preliminary and postremediation mold assessment, in violation of Section 468.8421, F.S.</u>	<u>\$1,000.00</u>
<u>(c) Failure of a mold remediator to maintain at least \$1 million general liability insurance coverage, in violation of Section 468.8421, F.S.</u>	<u>\$1,000.00</u>
<u>(d) Failure to commence corrective action within 15 days of the department’s issuance of a notice of noncompliance, in violation of Rule 61-31.603, F.A.C.</u>	<u>\$500.00</u>

(2) In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation.

(3) Citations shall be issued pursuant to this rule where no harm to consumers results from the violation.
Rulemaking Authority 455.2035, 455.224(2) FS. Law Implemented 455.224, 468.842, 468.8421 FS. History–New _____.

61-31.605 Mediation.

The following alleged violations may be resolved by mediation using the procedure adopted by the department pursuant to Section 455.2235, F.S.:

(1) Section 468.842(1)(g), F.S., Committing fraud, deceit, negligence, incompetency or misconduct in the practice of mold related services.

(2) Section 468.842(1)(h), F.S., Failing to perform any statutory or legal obligation placed upon a licensed mold assessor or remediator.

Rulemaking Authority 455.2035, 455.2235(1), 468.8424 FS. Law Implemented 455.2235, 468.842 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

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: May 6, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 18, 2012

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning continuing education credit for former Board members serving on a probable cause panel.

SUMMARY: Language concerning continuing education credit for former Board members serving on a probable cause panel will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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: Bill Miller, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) through (12) No change.

(13) In addition to the continuing chiropractic education credits authorized above, former Board members will receive thirteen hours of continuing education credit for the required hours in laws and rules, risk management, prevention of medical errors, boundaries and ethics, and record-keeping and documentation per biennium for ~~annual~~ service on a Probable Cause Panel.

(14) through (15) No change.

Rulemaking Authority 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), 456.025(7), 456.036(10), 460.408 FS. History--New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, 11-14-06, 11-13-07, 7-1-09, 5-17-10, 8-22-11, 10-21-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 17, 2013

Section III Notice of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-7.669	Definitions
40E-7.670	Competitive Solicitation Preferences
40E-7.671	District Implementation
40E-7.672	Compliance
40E-7.674	Certification Review Procedures
40E-7.675	Recertification Review Procedures
40E-7.677	Reciprocity

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 61, March 28, 2013 issue of the Florida Administrative Register.

Chapter 40E-7, F.A.C., Small Business Enterprise Contracting Program

40E-7.669 Definitions.

(1) through (3) No change.

(4) "Commodity Code" A numeric system designed to list commodities or services by classes and sub-classes. A numeric identifier of supplies, materials, goods, merchandise, equipment or other tangible personal property (purchase or lease), including the contractual services.

(5) "Government Agency" means any state, county, regional or local government in Florida.

~~(6)~~(4) "Gross Receipts" means the total sales for the Applicant as specified in its Federal tax return or if a new company which has not filed a Federal tax returns, in its audited financial statement before deductions for returned items, allowances, and discounts.

~~(7)~~(5) "Industry Categories" means construction, commodities and services.

~~(8)~~(6) "Non SBE Prime" means a business not currently certified by the District as a small business enterprise which submits a bid or proposal for the purpose of being awarded a legally binding agreement as a Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

~~(9)~~(7) "Prime Contractor" means any individual or contracting entity with whom the District has entered into a legally binding agreement for performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions.

~~(10)(8)~~ "Responsible" means a business that is capable in all respects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

~~(11)(9)~~ "Responsive" means a business's bid or proposal conforms in all material respects to the invitation to bid or request for proposal.

~~(12)(40)~~ "District Small Business Enterprise (SBE)" means a business certified by the District, whose three (3) year average gross receipts, including affiliates, shall not exceed \$13 million if the business provides construction, \$5 million if the business provides commodities, and \$6 million if the business provides services. Additionally, a District Small Business Enterprise is licensed to do business in the State of Florida if the business requires a license.

~~(13)(44)~~ "SBE Prime" means a business certified by the District as a small business that submits a bid or proposal for the purpose of being awarded a legally binding agreement as a SBE Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended 8-29-07,_____.

40E-7.670 Competitive Solicitation Preferences.

The Small Business Enterprise Contracting Rule in this part provides for three types of Competitive Solicitation Preferences designed to assist small businesses. The Bid Equalization, Sheltered Market and Subcontracting Requirements are outlined below.

(1) No change.

(2) Sheltered Market Program. The District ~~may shall~~ provide for sheltered markets to allow for only SBE's to bid on designated solicitations. ~~The District shall be guided in designating a sheltered market by selecting industries in which small businesses have usually not had an opportunity to compete for awards against larger businesses.~~ In order to designate a sheltered market the District must identify at least 3 SBEs available to perform work within the industry identified in the solicitation.

(3) Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids based on availability of vendors registered with the District, including SBE firms able to perform work within specific commodity codes. The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. Availability refers to vendors registered with the District, including SBE firms able to perform work within specific commodity codes. The formula for setting a goal is expressed as the total number of SBE firms within specific

~~commodity codes in a scope of work divided by the total number of vendors registered with the District's Procurement Department within the same commodity codes at the time of the preparation of the solicitation. Numerically, this is expressed as: Total Number of SBE's/Total Number of District Registered Vendors = Subcontracting Goal Percentage~~

The maximum goal that will be applied to any solicitation will be 25%. When an SBE goal is set bidders shall provide work to one or more SBEs in order to meet the goal. At the time of submittal of its bid, the bidder shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise SBE Subcontractor Participation Schedule" effective (_____) ~~(add hyperlink) August 3, 2006 which can be obtained from the District upon request.~~ All bids submitted where SBE participation is required, shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise SBE Subcontractor" effective (_____) ~~(add hyperlink) August 3, 2006.~~ This form shall be signed by ~~both~~ the SBE subcontractor, ~~and the bidder and the form~~ Form Nos. 0956 and 0957, together called the SBE Subcontractor Utilization Plan, must shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. Failure to submit any of the information as required herein shall lead to the bid being deemed non-responsive. Form Nos. 0956 and 0957 are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk's Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436, or (561)682-6436.

Any bidder failing to meet the established goal shall be deemed non-responsive. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its bid or be deemed non-responsive. If the SBE Prime intends to perform 100% of the work, the SBE Prime does not have to submit the aforementioned forms.

(b) Standard Proposals – For solicitations where a contracts is awarded based on an evaluation criteria, and where the scope of work is clearly defined the District shall determine subcontracting goals for each solicitation based on availability of SBE firms as stated above in paragraph (3)(a) award points as reflected in Table 7.6-2. The maximum points will be awarded to the proposer if 25% or more of the total project work is performed by SBE firms. The maximum goal that will be applied to any solicitation will be 25%. The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. Percentages reflect the amount of the total contract value proposed to be assigned to SBE firms.

TABLE 7.6-2
EVALUATION POINT TABLE

10 POINTS FOR SBE PARTICIPATION	
= 25% =	10 Points
= 23% =	9 Points
= 21% =	8 Points
= 19% =	7 Points
= 17% =	6 Points
= 15% =	5 Points
= 13% =	4 Points
= 11% =	3 Points
= 9% =	2 Points
= 7% =	1 Point

(e) At the time the proposal is submitted the proposer shall identify all SBE firms (if any) which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise SBE Subcontractor Participation Schedule," incorporated by reference in paragraph (3)(a) herein. ~~from the District upon request.~~ All proposals with SBE subcontractor participation shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise SBE Subcontractor," also incorporated by reference in paragraph (3)(a) herein. ~~from the District upon request.~~ This form shall be signed by the SBE subcontractor ~~and the proposer and the form shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform.~~ Form Nos. 0956 and 0957 together called the SBE Subcontractor Utilization Plan must reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its proposal. ~~Non-SBE Primes will not receive points if they choose not to use SBE subcontractors. The District will not provide SBE points to a proposer if the District cannot establish the proposer's intent. Any non SBE Prime contractor who fails to meet the established goal shall be deemed non-responsive.~~

(c) Work Order Proposals – For solicitations where a contract is awarded based on evaluation criteria and where the scope of work is not clearly defined resulting in work order contracts, will not contain a goal, but shall require proposers to commit to goals assigned to individual work orders issued throughout the term of the contract. The goal for individual work orders will be based on availability of SBE firms as stated above in paragraph 3(a). The maximum goal that will be applied to any work order will be 25%. At the time the

proposal is submitted, the proposer shall identify all proposed SBE firms that will be utilized as subcontractors.

At the time a work order with an SBE goal is assigned, the Prime Contractor shall submit a cost proposal, and identify all SBE subcontractors and the percentage of work that the SBE subcontractor(s) will perform by using Form No. 0956, "Small Business Enterprise Subcontractor Participation Schedule," incorporated by reference in paragraph (3)(a) herein. All cost proposals shall also include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor," also incorporated by reference in paragraph (3)(a) herein. This form shall be signed by the SBE subcontractor. A work order will not be executed with a Prime Contractor whose cost proposal does not meet the established goal for that work order. In addition, failure to meet the goal set by the District for an executed work order will result in a breach of contract by the Prime Contractor.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended 8-29-07,

40E-7.671 District Implementation.

The District shall ensure all small businesses have the maximum opportunity to participate in the District's contracting and procurement processes. The following are examples of efforts to be taken by the District:

(1) Establish a Small Business Enterprise program office to implement the rules established under this Part.

(2) through (5) No change.

(6) Monitor Evaluate the District's efforts to achieve SBE objectives.

(7) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended

40E-7.672 Compliance.

The District shall monitor and evaluate Program performance and compliance as follows:

(1) through (3) No change.

~~(4) The Prime Contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to SBE subcontractors.~~

~~(4)(5) Prime Contractors must notify the District when the need to add or replace an SBE subcontractor arises. When a SBE substitution is requested, the Contract Specialist will request a letter from the contractor explaining why substitution is needed. The prime contractor and shall provide attach a completed Form No. 1373, "Small Business Enterprise Subcontractor Rrevised Pparticipation Schedule" effective () (add hyperlink), which contains an explanation of the addition or substitution. Form 1373 is~~

incorporated by reference herein and a copy can be obtained at no cost by contacting the South Florida Water Management District Clerk's Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436, or (561)682-6436. In addition, a completed Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor", incorporated by reference in paragraph 40E-7.670(3)(a), F.A.C., must be submitted if applicable ~~plan to the letter.~~

~~(5)(a) Failure of a Prime Contractor to meet its honor the SBE requirements in a District of an awarded contract will shall be a factor considered by the District when the District makes its responsibility determinations for future District contract awards and when the District considers whether to place a contractor on the Temporary or Permanent Suspension List under Rule 40E-7.218, F.A.C. material breach of the contract which may result in suspension or debarment of the firms pursuant to Chapter 40E-7, Part II F.A.C.~~

(6) Each District contract awarded with SBE participation shall contain a provision incorporating the rules under this Part by reference and a statement that failure to comply with the requirements of the bid or proposal submitted to the District by a contractor shall be considered a material breach of contract which may result in suspension or debarment of the firms or individuals involved pursuant to Chapter 40E-7, Part II F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended _____.

40E-7.674 Certification Review Procedures.

(1) No change.

(2) Within sixty (60) ~~thirty (30)~~ days following receipt of the application, the District will request that the applicant business to furnish omitted items or additional information, if any. All requested information must be received by the District within sixty (60) ~~thirty (30)~~ days from the date of the request, or the applicant will be deemed ineligible for certification. Applicants may re-apply District return the unprocessed application to the applicant business.

(3) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 F.S. History–New 8-3-06, Amended 8-29-07, _____.

40E-7.675 Recertification Review Procedures.

(1) through (2) No change.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within sixty (60) ~~thirty (30)~~ days following initial receipt of the applicant's recertification request, the District will request the applicant to furnish omitted or

additional information. If the requested information or items are not received by the District within sixty (60) ~~thirty (30)~~ days from the date of the request, the District will deny the application for recertification.

(4) through (7) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended _____.

40E-7.677 Reciprocity.

Reciprocal certification application shall be granted to applicant businesses which are ~~have been~~ certified by other jurisdictions that meet the District certification standards as outlined in this rule. Florida Government Agencies provided that the agency has a small business program and that the applicant business is certified as a small business by that agency. Applicant shall provide the District with documentation that provides the certification and expiration dates. The District reserves the right to request any additional documentation to verify or clarify the authentication of the information provided.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended _____.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice: of the issuance of an Order regarding the Petition for Variance or Waiver, filed on February 11, 2013, by Mark C. Fetherman. The Notice of Petition for Waiver or Variance was published in Vol. 39, No. 35, of the February 20, 2013, Florida Administrative Register. Petitioner sought a waiver or variance of paragraph 61G4-12.009(11)(a), Florida Administrative Code, which requires a delinquency fee of \$100.00 for late renewal of license. The Board considered the instant Petition at a duly-noticed public meeting held on April 12, 2013, in Howey-in-the-Hills, Florida.

The Board's Order, filed on May 10, 2013, denied the petition finding that Petitioner had not met the standards of section 120.542(2), Florida Statutes.

A copy of the Order or additional information may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, Florida 32399 or telephone: (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on March 14, 2013, by Daniel Chen-Fung. The Notice of Petition for Waiver or Variance was published in Vol. 39, No. 60, of the March 27, 2013, Florida Administrative Register. Petitioner sought a waiver or variance of Rule 61G4-16.005, Florida Administrative Code, limiting the period a passing grade is valid for purposes of certification to 4 years. The Board considered the instant Petition at a duly-noticed public meeting held on April 12, 2013, in Howey-in-the-Hills, Florida.

The Board's Order, filed on May 10, 2013, denied the petition finding that Petitioner had not met the standards of section 120.542(2), Florida Statutes.

A copy of the Order or additional information may be obtained by contacting Drew Winters, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, Florida 32399 or telephone: (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-606.400: Registration and Verification Requirements and Fees

The Department of Environmental Protection hereby gives notice: that on May 8, 2013, it issued an order granting a variance to Victory Casino Cruises (Petitioner) whose address is 180 Christopher Columbus Dr., Cape Canaveral, FL 32920. The Petition was filed with the Department on January 11, 2013. Petitioner operates a gambling vessel, Victory I, out of Cape Canaveral, Florida. Petitioner requested a variance for a five-year period from Rule 62-606.400, F.A.C., which exempts gambling vessels from the requirement to register its gambling vessel if it operates a marine waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that eliminates the need to pump out or dump wastes. The rule specifies that standard is met if it meets all primary and secondary drinking water standards in Chapter 62-550, F.A.C. The Petitioner seeks a variance from having to meet the primary and secondary drinking water standards in Chapter 62-550, F.A.C., in order to obtain the exemption. Notice of receipt of this Petition was published in the Florida Administrative Register on February 5, 2013. The

Order, file number FLV7546689 (OGC #13-0026), granted the Petition based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner demonstrated that the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting Cheryl Minskey, 2600 Blair Stone Rd., MS 3540, Tallahassee, FL 32399, (850)245-8619, cheryl.minskey@dep.state.fl.us.

DEPARTMENT OF HEALTH

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

RULE NO.: RULE TITLE:

64B4-3.0085: Intern Registration

NOTICE IS HEREBY GIVEN that on May 14, 2013, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for James McManus, seeking a variance or waiver of Rule 64B4-3.0085, F.A.C., in order for his undocumented internship hours to be counted to satisfy the experience requirement.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

The Private Investigation, Recovery and Security Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 12, 2013, 9:00 a.m.

PLACE: Daytona Beach Resort, 2700 North Atlantic Avenue, Daytona Beach, Florida 32118, (386)672-3770

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Brandee Jones, Post Office Box 3927, Tallahassee, Florida 32315-3927 or by calling Brandee Jones at (850)245-5500.

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: Brandee Jones at (850)245-5500. 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: Brandee Jones at (850)245-5500.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a workshop to which all persons are invited.

DATES AND TIME: June 13-14, 2013, 9:30 a.m. until completion

PLACE: Santa Fe River and Springs

GENERAL SUBJECT MATTER TO BE CONSIDERED: A tour to educate legislators on the condition of the Santa Fe River and Springs. For more specific information, please visit the District's website www.mysuwanneeriver.com or contact Steve Minnis, (386)362-1001 or e-mail SAM@srwmd.org.

A copy of the agenda may be obtained by contacting: Steve Minnis, (386)362-1001 or e-mail SAM@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Debbie Davidson, (386)362-1001. 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).

SPACE FLORIDA

The Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 14, 2013, 9:00 a.m. EST

PLACE: Space Life Sciences Lab, 505 Odyssey Way, Exploration Park, FL 32953

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Tour of Cape Canaveral Spaceport, RSVP to Stan Forron at sforron@spaceflorida.gov by May 31, 2013.

A copy of the agenda may be obtained by contacting: Stan Forron at sforron@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Stan Forron at sforron@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency

using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Stan Forron at sforron@spaceflorida.gov.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 19, 2013, 10:00 a.m. ET.

PLACE: Call (888)670-3525 and when prompted, enter pass code 1760507820 followed by the # key

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting: Jim Mallue at (727)570-5151, extension 13 or Jim.Mallue@fchr.myflorida.com.

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

For more information, you may contact: Jim Mallue at (727)570-5151, extension 13 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF HEALTH

The Infant, Maternal, and Reproductive Health Unit announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 5, 2013, 11:00 a.m. EDT

PLACE: Call-in toll-free number: 1(888)670-3525 (US), Attendee access code: 277 680 0919

WEBEX:

<https://suncom.webex.com/suncom/j.php?ED=181176452&UID=492507417&RT=MIMxMQ%3D%3D>, Meeting Number: 646 232 074

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Healthy Start Redesign Implementation Steering Committee will meet to discuss the redesign of the Healthy Start Program.

A copy of the agenda may be obtained by contacting: Nita Harrelle, Bureau of Family Health Services, (850)245-4444, extension 2969 or email Nita_Harrelle@doh.state.fl.us.

For more information, you may contact: Nita Harrelle, Bureau of Family Health Services, (850)245-4444, extension 2969 or email Nita_Harrelle@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Chiropractic

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

DATE AND TIME: Friday, June 21, 2013, 8:30 a.m.

PLACE: Rosen Plaza, 9700 International Drive, Orlando, Florida 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or be accessing the web site at: www.doh.state.fl.us/mqa/chiro/index.html.

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

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

DEPARTMENT OF HEALTH

Board of Optometry

The Board of Optometry announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, June 13, 2013, 12:30 p.m., at meet me number 1(888)670-3525, participant code 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the board's web site at: www.doh.state.fl.us/mqa/optometry/index.html.

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: June 11-13, 2013; June 11, 2013, 1:00 p.m. and June 12-13, 2013, 8:30 a.m. each day

PLACE: Hilton Garden Inn Lakeland, 3839 Don Emerson Drive, Lakeland, Florida 33811

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues. The meeting may include fact finding field trips to Commission managed areas or facilities and to other areas to learn about management, and enforcement activities.

A copy of the agenda may be obtained by contacting: Robin Stetler, Florida Fish and Wildlife Conservation Commission, (850)487-3796.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

FLORIDA INDEPENDENT LIVING COUNCIL

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

DATES AND TIME: Thursday – Friday, June 13-14, 2013, 9:00 a.m.

FULL COUNCIL MEETING

PLACE: Crowne Plaza Orlando Downtown, 304 West Colonial Drive, Orlando, FL 32801

Teleconference #: (888)670-3525, code: 5073148497

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please note that committees and task forces of the Florida Independent Living Council, Inc. 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, Inc. 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or toll-free (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 two weeks before the meeting date.

FLORIDA LEAGUE OF CITIES

The Florida Municipal Loan Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 29, 2013, 9:00 a.m.

PLACE: Florida League of Cities, 301 South Bronough Street, Suite 300, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Loan Council general meeting conducted through the use of communications media technology, as authorized by Chapter 2012-164, Laws of Florida.

A copy of the agenda may be obtained by contacting: Molly Hall, email: mhall@flcities.com or call: (850)222-9684.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Molly Hall, email: mhall@flcities.com or call: (850)222-9684. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Molly Hall, email: mhall@flcities.com or call: (850)222-9684.

FLORIDA LEAGUE OF CITIES

The Florida Association of Counties Trust announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 14, 2013, 8:30 a.m.

PLACE: Staybridge Suites, 1600 Lake Summit Drive, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Association of Counties Trust general board meeting conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons interested in attending may do so in person at the Staybridge Suites, 1600 Lake Summit Drive, Tallahassee, FL 32312 where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Alonzo Hatchette, email: ahatchette@flcities.com, (407)425-9142.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Alonzo Hatchette, email: ahatchette@flcities.com, (407)425-9142. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Alonzo Hatchette, email: ahatchette@flcities.com, (407)425-9142.

SOUTH FLORIDA COMMUNITY CARE NETWORK
 The South Florida Community Care Network announces a public meeting to which all persons are invited.
DATE AND TIME: June 10, 2013, 2:00 p.m. – 3:00 p.m.
PLACE: 1525 NW 167th Street, Suite 103, Miami, FL 33169 or call-in (800)747-5150, code 4151212
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The South Florida Community Care Network partners will discuss general matters.
 A copy of the agenda may be obtained by contacting: lrivero@sfccn.org.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lupe Rivero, lrivero@sfccn.org or (305)430-2642. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
 For more information, you may contact: Lupe Rivero, SFCCN Executive Director, 1525 NW 167 Street, Suite 103, Miami, Florida 33169.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC
 The Florida Department of Transportation District Six announces a hearing to which all persons are invited.
DATE AND TIME: Thursday, May 30, 2013, 6:00 p.m. – 8:00 p.m.
PLACE: Elizabeth Virrick Park, 3255 Plaza Street, Miami, FL 33133
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Florida Department of Transportation (FDOT) District Six will hold a Public Hearing for an intersection safety project on State Road (SR) 976/SW 40 Street/Bird Road and the intersection of SR 5/US 1, in Miami Dade County, to discuss the project’s design and scope of work. The project identification number is 431635-1-32-01. The public hearing will follow an informal format allowing the public to arrive at any time from 6:00 p.m. and 8:00 p.m. Graphic displays will be shown, and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Public Information Specialist, Lillie Carrero at (305)480-9938, email: Lillie.carrero@atectrans.com.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Brian Rick at (305)470-5349 or in writing: FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172, email: brian.rick@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: Public Information Specialist, Lillie Carrero at (305)480-9938, email: Lillie.carrero@atectrans.com.

Section VI 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 declined to rule on the petition for declaratory statement filed by David H. Rogel, Esq., In Re: Pumpkin Cay Garden Home Condominium, Inc., Docket No. 2013004699, on February 4, 2013. The following is a summary of the agency's declination of the petition: The Division declined to issue a Declaratory Statement because it may not interpret an association’s ambiguous governing documents. The statement was filed with the Agency Clerk on April 26, 2013.
 A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Robin McDaniel, Division Clerk, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1424, robin.mcdaniel@myfloridalicense.com.

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 declined to rule on the petition for declaratory statement filed by Aaron R. Cohen, Esq., In Re: Grandview Palace Condominium Association, Inc., Docket No. 2013006592, on February 15, 2013. The following is a summary of the agency's declination of the petition: The Division declined to issue a Declaratory Statement because it may not issue a statement when facts are disputed; or to determine the conduct of another person. The order was filed with the Agency Clerk on April 26, 2013.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Robin McDaniel, Division Clerk, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1424, robin.mcdaniel@myfloridalicense.com.

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 Jeremy Earl on March 22, 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. 64, of the April 2, 2013, Florida Administrative Register. The petition seeks the Board's interpretation of Rule 61G4-15.033, as to whether his license as a marine contractor is sufficient to apply for the permit and be the primary contractor on a Florida Department of Environmental Protection project involving pile driving, framing and concrete construction. The Construction Industry Licensing Board considered the Petition at its meeting held on April 12, 2013, in Howey-in-the-Hills, Florida. The Board's Order, filed on May 10, 2013, stated that the work as outlined in the Petition is within the scope of the certified marine contractor license.

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, Northwood Center, 1940 North Monroe Street, Tallahassee, Florida 32399 or telephone: (850)487-1395.

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**

NONE

**Section XII
Miscellaneous**

STATE BOARD OF ADMINISTRATION

Estimated Capacity

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida (the Board) of the estimated borrowing capacity, estimated claims-paying capacity, and projected balance of the Florida Hurricane Catastrophe Fund (the Fund) as of December 31, 2013, in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. These estimates relate to the 2013-2014 Reimbursement Contract Year. The Fund's projected post-event borrowing capacity estimate is \$7.3 billion for May 2013. Given the current state of the financial markets, the borrowing capacity estimate is dependent on many factors, such as the size of an event or events, the limitations or constraints of the financial markets to absorb potential debt issuances, the time necessary

to access such markets, and the existing level of interest rates at the time of issuance. The estimated borrowing capacity, proceeds of the Series 2013A pre-event bond issue, and projected available year-end cash balance provide the Fund with a total estimated claims-paying capacity of \$19.070 billion over the next twelve months. Greater detail can be obtained in the "May 16, 2013 Claims-Paying Capacity Estimates" Report, which can be found on the Fund's website at www.sbafla.com/fhcf/ under "Bonding Program." The obligation of the Board for the payment of reimbursable losses is limited in Section 215.555(4)(c)1., Florida Statutes, and shall not exceed the actual claims-paying capacity of the Fund. The projected year-end balance on December 31, 2013, is estimated to be \$9.770 billion, which represents the amount of assets available to pay claims, not including any bond proceeds, resulting from Covered Events which may occur during the June 1, 2013 through May 31, 2014 Contract Year. The Board recognizes that its good faith estimate is being made while highly volatile global financial market conditions exist; therefore, changing market conditions can dramatically impact the Fund's actual claims-paying capacity either positively or negatively. Current conditions may or may not be the same if and when the Board determines that it is necessary to issue revenue bonds.

HDR ENGINEERING, INC. – PENSACOLA

Notice of Availability – Hurlburt Field/FDOT
Public Notice

In compliance with the National Environmental Policy Act, Hurlburt Field announces the availability of a Draft Supplemental Environmental Assessment (SEA) for the *U.S. 98 (S.R. 30) at the Entrance to Hurlburt Field* at Hurlburt Field, Florida for public review and comment.

This SEA examines the potential environmental impacts resulting from the design changes that have occurred to the Proposed Action since the initial Environmental Assessment (EA) dated September 2010 and Finding of No Significant Impact (FONSI) signed December 7, 2010.

The purpose of the SEA is to further refine and improve the U.S. 98 interchange at the entrance to Hurlburt Field to produce a more efficient, productive, and safe transportation system while adequately addressing the purpose and need defined in the 2010 EA.

Your comments on this Draft SEA are requested. Letters and other written or oral comments may be published in the Final SEA. As required by law, comments will be addressed in the Final SEA and made available to the public. Any personal information provided, including private addresses, will be used only to identify your desire to make a statement during the public comment period or to compile a mailing list to fulfill requests for copies of the Final SEA or associated documents. However, only the names and respective comments or respondent individuals will be disclosed; personal home addresses and phone numbers will not be published in the Final SEA.

The Draft SEA is available for review on the web at <http://www.hurlburt.af.mil/library/index.asp> under the “Hurlburt Field Environmental Documents” link. The public library in Fort Walton Beach located at 185 SE Miracle Strip Parkway and the public library in Mary Esther located at 100 Hollywood Boulevard have computers available to the general public and librarians who can provide assistance linking to the documents.

Copies will be available for review from Tuesday, May 21, 2013 to Friday, June 21, 2013. Comments must be received by Friday, June 21, 2013.

For more information or to comment on the Draft SEA, contact Amy Nicholson, 1st Special Operations Wing/Public Affairs, 344 Tully Street, Hurlburt Field, Florida 32544, email: amy.nicholson@hurlburt.af.mil, Tel: (850)884-3373.

Section XIII
Index to Rules Filed During Preceding
Week

RULES FILED BETWEEN May 13, 2013
through May 17, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS
Florida Elections Commission

2B-1.002	5/13/13	6/2/13	39/64	
2B-1.0025	5/13/13	6/2/13	39/64	
2B-1.0027	5/13/13	6/2/13	39/64	
2B-1.005	5/13/13	6/2/13	39/64	
2B-1.0052	5/13/13	6/2/13	39/64	
2B-1.0055	5/13/13	6/2/13	39/64	
2B-1.007	5/13/13	6/2/13	39/64	

FLORIDA PAROLE COMMISSION
Parole Commission Qualifications Committee

23A-1.001	5/13/13	6/2/13	39/70	
23A-1.002	5/13/13	6/2/13	39/70	
23A-1.003	5/13/13	6/2/13	39/70	
23A-1.004	5/13/13	6/2/13	39/70	
23A-1.005	5/13/13	6/2/13	39/70	
23A-1.006	5/13/13	6/2/13	39/70	
23A-1.007	5/13/13	6/2/13	39/70	
23A-1.008	5/13/13	6/2/13	39/70	

DEPARTMENT OF THE LOTTERY

53ER13-29	5/13/13	5/15/13	39/94	
53ER13-30	5/13/13	5/15/13	39/94	
53ER13-31	5/13/13	5/15/13	39/94	
53ER13-32	5/13/13	5/15/13	39/94	
53ER13-33	5/16/13	5/16/13	39/97	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

61J1-4.010	5/14/13	6/3/13	39/67	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL
PURSUANT TO (CHAPTER 2010-279, LAWS OF
FLORIDA)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.300	3/2/12	*****	38/3	
62-304.330				
(10)(11)	2/7/13	*****	38/81	
62-304.520				
(15)-(20)	3/20/13	*****	39/32	
62-304.610	8/20/12	*****	35/31	
62-304.645	3/8/13	*****	39/22	
62-304.900	11/21/12	*****	38/39	

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

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