

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF CHILDREN AND FAMILY
SERVICES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-2.007 General Standards

PURPOSE AND EFFECT: The proposed rule amendment clarifies the application of local requirements for garbage and waste collection and disposal to providers.

SUBJECT AREA TO BE ADDRESSED: General Facility Standards for Licensed Facilities

RULEMAKING AUTHORITY: 393.501 FS.

LAW IMPLEMENTED: 393.067 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: Kimberly Walsh, Agency for Persons with Disabilities, 4030 Esplanade Way, Ste. 380, Tallahassee, Florida 32399, (850)509-5878, Kimberly.walsh@apdcares.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 65G-2.007 General Facility Standards.
(1) through (9) No change.
(10) MAINTENANCE.
(a) through (c) No change.

(d) All outdoor garbage and other waste materials shall be kept in covered containers until removed. Containers shall be emptied as often as necessary to prevent public nuisance and health hazards in accordance with municipal and county requirements of the jurisdiction within which the facility is located all applicable state and local requirements.

(e) through (f) No change.

(11) through (20) No change.

Rulemaking Authority 393.15(5), 393.501(1), 393.067 FS. Law Implemented 393.067 FS. History--New 8-13-78, Formerly 10F-6.08, 10F-6.008, 65B-6.008, Amended 7-1-14.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:

69B-150.115 Group or Quasi-Group Implications

PURPOSE AND EFFECT: This is a change to correct the wording of a rule. The edit is to correct grammar and is intended to have no substantive effect.

SUBJECT AREA TO BE ADDRESSED: Prohibition against solicitation of insurance in a way which states or implies that an individual policy has reduced rates due to group or class membership.

RULEMAKING AUTHORITY: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a), (b), (e), (k), (l), 626.9641(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, August 5, 2014, 9:30 a.m.

PLACE: Room 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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: Barry Lanier, (850)413-5601 or

Barry.Lanier@myfloridacfo.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barry Lanier, Chief, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 416A, Larson Building, Tallahassee, FL 32399-0320, (850)413-5601 or Barry.Lanier@myfloridacfo.com.

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

**Section II  
Proposed Rules**

NONE

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NO.: RULE TITLE:

5C-30.003 Penalties

NOTICE OF CHANGE

Notice is hereby given that the following correction have been made to the proposed rule in Vol. 40, No. 116, July 16, 2014, issue of the Florida Administrative Register.

5C-30.003 Penalties.

(1) through (3) See Notice of Proposed Rule for text.

The table in (3) was printed incompletely in the Notice of Proposed Rule. The complete table is show below.

**TABLE #1**

**Decision and Penalty Matrix for Division of Animal Industry Movement Violations**

Division of Animal Industry – AI                      Equine Infectious Anemia – EIA                      Individually Identified – ID  
 National Poultry Improvement Plan – NPIP                      Official Certificate of Veterinary Inspection – OCVI (valid for 30 days)  
 Pullorum-Typhoid – PT Test                      Tuberculosis – TB

<b>SPECIES</b>	<b>VIOLATION</b>	<b>INTRASTATE (Within State)</b>	<b>INTERSTATE (Import into State)</b>	<b>ADMINISTRATIVE ACTION*</b>
<b>All Animals</b>	Use of forged, altered or counterfeited document.	Quarantine back to premises of origin.	Refuse entry into state.	1 <sup>st</sup> \$500 2 <sup>nd</sup> \$2,500 3 <sup>rd</sup> \$5,000 4 <sup>th</sup> and subsequent violations within 24 months of last violation – \$10,000.
<b>All Animals</b>	Animals showing signs of illness or dead animals.	Contact Division of Animal Industry.	Refuse entry for dead animals. All other animals showing signs of illness, contact the Division of Animal Industry.	Contact Division of Animal Industry.
<b>All Animals</b>	Movement of animals in violation of quarantine.	Quarantine back to premises of origin.	Refuse entry into state.	1 <sup>st</sup> \$500 2 <sup>nd</sup> \$2,500 3 <sup>rd</sup> \$5,000 4 <sup>th</sup> and subsequent violations within 24 months of last violation – \$10,000.
<b>All Animals</b> (Except poultry and deer-see below).	No prior permission number.	N/A	Allow entry into state. Division of Animal Industry will contact issuing veterinarian.	1 <sup>st</sup> Advisory Notice 2 <sup>nd</sup> Advisory Notice 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.
<b>Cattle (Unidentified)</b>	Failure by an Approved Livestock Facility accepting cattle to: tag as an approved tagging site; <del>on behalf of the consignor/owner,</del> place into designated “slaughter only” sale channels;; deny entry to the market.	Administrative Fine	Administrative Fine	1 <sup>st</sup> \$25 per animal <u>per</u> violation. 2 <sup>nd</sup> \$50 per animal <u>per</u> violation 3 <sup>rd</sup> 100 per animal <u>per</u> violation

SPECIES	VIOLATION	INTRASTATE (Within State)	INTERSTATE (Import into State)	ADMINISTRATIVE ACTION*
	<u>Failure by an Approved Livestock Facility or Purchaser to timely submit complete and accurate records required by Rule 5C-31.004(2)(a)3., or 5C-31.004(2)(b)4., or 5C-31.004(2)(b)7. F.A.C.</u>	<u>Administrative Fine</u>	<u>Administrative Fine</u>	<u>1<sup>st</sup> \$25 per animal per violation</u> <u>2<sup>nd</sup> \$50 per animal per violation</u> <u>3<sup>rd</sup> 100 per animal per violation</u>
	<u>Failure of an Approved Livestock Facility or Purchaser to retain the information required by Rule 5C-31.004(2)(a)4., or 5C-31.004(2)(b)5., or 5C-31.004(2)(b)8., F.A.C.</u>	<u>Administrative Fine</u>	<u>Administrative Fine</u>	<u>1<sup>st</sup> \$25 per animal per violation</u> <u>2<sup>nd</sup> \$50 per animal per violation</u> <u>3<sup>rd</sup> 100 per animal per violation</u>
	<u>Failure of Purchaser of unidentified cattle to tag cattle in accordance with Rule 5C-31.004(2)(b)3., F.A.C.</u>	<u>Quarantine to origin or destination until animals are officially identified and Administrative Fine.</u>	<u>Quarantine to origin or destination until animals are officially identified and Administrative Fine.</u>	<u>1<sup>st</sup> \$25 per animal per violation</u> <u>2<sup>nd</sup> \$50 per animal per violation</u> <u>3<sup>rd</sup> 100 per animal per violation</u>
	<u>Failure of Purchaser to provide the Premises Identification Number to Approved Livestock Facility as required by Rule 5C-31.004(2)(b)2., F.A.C.</u>	<u>Quarantine to origin or destination until animals are officially identified and Administrative Fine.</u>	<u>Quarantine to origin or destination until animals are officially identified and Administrative Fine.</u>	<u>1<sup>st</sup> \$25 per animal per violation</u> <u>2<sup>nd</sup> \$50 per animal per violation</u> <u>3<sup>rd</sup> 100 per animal per violation</u>

SPECIES	VIOLATION	INTRASTATE (Within State)	INTERSTATE (Import into State)	ADMINISTRATIVE ACTION*
<b>Cattle (Identification)</b>	Failure to have official individual identification. Failure to prevent commingling with cattle under separate ownership.	Quarantine to origin or destination until animals are officially identified <u>and Administrative Fine.</u>	Quarantine to origin or destination until animals are officially identified <u>and Administrative Fine.</u>	<u>1<sup>st</sup> \$25 per animal per violation</u> <u>2<sup>nd</sup> \$50 per animal per violation</u> <u>3<sup>rd</sup> 100 per animal per violation</u>
	Failure to prevent commingling with cattle under separate ownership.	Quarantine to origin or destination until animals are officially identified <u>and Administrative Fine.</u>	Quarantine to origin or destination until animals are officially identified <u>and Administrative Fine.</u>	1 <sup>st</sup> \$25 per animal <u>per violation</u> 2 <sup>nd</sup> \$50 per animal <u>per violation</u> 3 <sup>rd</sup> 100 per animal <u>per violation</u>
<b>Cattle and Bison (Bovine)</b>	No tuberculosis (TB) test, brucellosis test, ID, or invalid OCVI /no OCVI.	N/A	Quarantine to destination.	1 <sup>st</sup> Quarantine 2 <sup>nd</sup> Quarantine 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.
<b>Deer (Cervidae)</b>	No OCVI or prior permission.	Quarantine back to premises of origin.	Refuse entry into state.	<b>Intrastate Movement</b> Quarantine back to premises of origin.  <b>Interstate Movement</b> -Refuse entry into state.
<b>Goats and Sheep (Caprine and Ovine)</b>	No ID (USDA scrapie tags- required unless consigned to a USDA-approved livestock market).	Quarantine back to premises of origin.	Refuse entry into state.	<b>Intrastate</b> Quarantine back to premises of origin.  <b>Interstate</b> Refuse entry into state.
<b>Goats and Sheep (Caprine and Ovine)</b>	No OCVI/invalid OCVI, TB test, or brucellosis test.	N/A	Quarantine to destination.	1 <sup>st</sup> Quarantine 2 <sup>nd</sup> Quarantine 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.
<b>Goats and Sheep (Caprine and Ovine)</b>	No veterinary disease-free statement as required in paragraph 5C-3.005(1)(b), F.A.C.	N/A	Advisory notice.	Advisory notice.

SPECIES	VIOLATION	INTRASTATE (Within State)	INTERSTATE (Import into State)	ADMINISTRATIVE ACTION*
<b>Horses (Equine)</b>	No EIA test, outdated EIA test, EIA not accurate/legible, or EIA does not match horse.	Quarantine back to premises of origin.	Refuse entry into state if consigned to a show, sale or exhibition.  All other shipments- refuse entry into state; or at owner’s request and expense, call a Florida accredited veterinarian to test for EIA, and quarantine to destination pending outcome of the test.	<b>Intrastate:</b> Quarantine back to premises of origin.  <b>Interstate:</b> Refuse entry or quarantine to destination with pending EIA test.
<b>Horses (Equine)</b>	No OCVI, invalid OCVI, or OCVI does not match the horse.	N/A	Call a Florida veterinarian to issue OCVI, at owner’s expense, and allow entry. If no veterinarian is available, then quarantine to destination.	1 <sup>st</sup> Quarantine 2 <sup>nd</sup> Quarantine 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.
<b>Horses (Equine)</b>	No equine piroplasmiasis (EP) test or treatment if from endemic area.	Quarantine back to premises of origin.	Refuse entry into state.	Refuse entry.
<b>Horses (Equine)</b>	No temperature reading on OCVI.	N/A	Allow entry into state and issue an advisory notice.	Advisory notice.
<b>Pigs (Swine/Porcine )</b>	No pseudorabies test, brucellosis test, no ID, or OCVI/invalid OCVI.	N/A	Quarantine to destination.	1 <sup>st</sup> Quarantine 2 <sup>nd</sup> Quarantine 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.
<b>Poultry (Avian)</b>	No OCVI/invalid OCVI, PT test, or NPIP/VS 9-3.	N/A	Refuse entry into state.	Refuse entry into state.
<b>Poultry (Avian)</b>	No prior permission number with VS 9-3.	N/A	Allow entry and issue an advisory notice.	1 <sup>st</sup> Advisory notice. 2 <sup>nd</sup> Advisory notice. 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.

SPECIES	VIOLATION	INTRASTATE (Within State)	INTERSTATE (Import into State)	ADMINISTRATIVE ACTION*
<b>Poultry (Avian)</b>	No prior permission number with OCVI.	N/A	Allow entry to a single destination and quarantine.	1 <sup>st</sup> Quarantine 2 <sup>nd</sup> Quarantine 3 <sup>rd</sup> and subsequent violations within 24 months of last violation – refuse entry into state.

\*The penalties in Table #1 are listed in the order that they will apply with each succeeding violation.

(4) No change.

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 570.36(2), 585.003, 585.007(1), 585.08(2)(a), 585.145(1), (2), 585.16, 585.23, 585.40 FS. History–New 5-24-10, Amended 2-19-14, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NOS.: RULE TITLES:

- 5C-31.001 Definitions
- 5C-31.003 Approved Tagging Site Requirements
- 5C-31.004 USDA Approved Livestock Facilities
- 5C-31.006 Documents Incorporated By Reference

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 40, No.116, June 16, 2014, issue of the Florida Administrative Register.

An incomplete SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION was published. The statement should have included the following:

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 FULL TEXT OF THE PROPOSED RULE IS:

5C-31.001 Definitions.

No change.

5C-31.003 Approved Tagging Site Requirements.

(1) through (3)(b) No change.

(4) An approved tagging site manager shall:

(a) Maintain records of official individual identification tags applied using the form entitled Record of Official Individual Identification ~~ID~~ Applied to Cattle in Florida, FDACS-09255, Rev. 05/14, as incorporated in Rule 5C-31.006, F.A.C., unless official individual identification tags are

provided by the owner. If official individual identification tags are provided by the owner to be applied at the approved tagging site, then the tagging site manager is not required to maintain records as provided above.

(b) through (d) No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New 2-19-14, Amended \_\_\_\_\_.

5C-31.004 USDA Approved Livestock Facilities.

(1) No change.

(2)(a)1. No change.

2. The Approved Livestock Facility shall record the following information using the form entitled Record of Official Individual Identification ~~ID~~ Applied to Cattle in Florida, FDACS-09255, Rev. 05/14, which is incorporated in Rule 5C-31.006, F.A.C.

a. through (b) No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New 2-19-14, Amended \_\_\_\_\_.

5C-31.006 Documents Incorporated By Reference.

No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New 2-19-14, Amended \_\_\_\_\_.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:

- 12AER14-5 Sales of Clothing, School Supplies, and Personal Computers during the Period August 1 through August 3, 2014

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 22, Chapter 2014-38, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain clothing,

school supplies, and personal computers are exempt from sales and use tax. The law provides that conditions necessary for an emergency rule have been met. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the exemption during the period from 12:01 a.m., August 1, 2014, through 11:59 p.m., August 3, 2014, for sales of clothing, wallets, or bags having a selling price of \$100 or less per item, for sales of school supplies having a selling price of \$15 or less per item, and for the first \$750 of the sales price of personal computers and certain related accessories. The exemption does not apply to sales within a theme park or entertainment complex, as defined in Section 509.013(9), F.S., or within a public lodging establishment, as defined in Section 509.013(4), F.S., or within an airport, as defined in Section 330.27(2), F.S. The rule defines “clothing,” “school supplies,” “personal computer,” “related accessories,” “theme park or entertainment complex,” “public lodging establishment,” “airport” and “mail order sales.” The rule describes the items that are included in the exemption and explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, items normally sold as a unit, mail order sales, shipping and handling charges, layaway sales, rain checks, exchanges, coupons, rebates, and discounts, repairs and alterations, gift certificates, rentals of clothing, and merchant’s license fees. The rule provides a list of items and their taxable status during the exemption period for clothing, school supplies, and personal computers.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Section 22, Chapter 2014-38, Laws of Florida, which specify a period during which the sales of certain clothing, school supplies, and personal computers are exempt from sales and use tax. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Section 22, Chapter 2014-38, Laws of Florida.

**SUMMARY:** Emergency Rule 12AER14-5 notifies the general public and retailers of the exemption during the period from 12:01 a.m., August 1, 2014 through 11:59 p.m., August 3, 2014, for sales of clothing, wallets, or bags having a selling price of \$75 or less per item, for sales of school supplies having a selling price of \$15 or less per item, and for the first \$750 of the sales price of personal computers and certain related accessories.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Kimberly Bevis, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER14-5 Sales of Clothing, School Supplies, and Personal Computers During the Period August 1 through August 3, 2014.

(1) Definitions. For purposes of this rule, the following definitions shall apply:

(a) “Holiday Period” means the period from 12:01 a.m. on August 1, 2014, through 11:59 p.m. on August 3, 2014.

(b) “Clothing” means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. “Clothing” does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(c) “School supplies” means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue, paste, rulers, computer disks, protractors, compasses, and calculators.

(d) “Personal computer” means an electronic device that accepts information in digital or similar form and manipulates such information for a result based on a sequence of instructions. The term includes an electronic book reader, laptop, desktop, handheld, tablet, or tower computer but does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(e) “Personal Computer Related Accessories” includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or other peripheral devices that are designed or intended primarily for recreational use. The term “monitor” does not include a device that includes a television tuner. The term “nonrecreational software” includes software such as antivirus, word processing, financial, database, and educational software. It does not include gaming software.

(f) “Theme park or entertainment complex” means a facility as defined in Section 509.013(9), F.S.

(g)1. “Public lodging establishment” means a facility as defined in Section 509.013(4), F.S.

(h) “Airport” means a facility as defined in Section 330.27(2), F.S.

(i) “Mail order sale” means a sale as defined in Section 212.0596(1), F.S.

(2) Clothing Sales.



(a) During the Holiday Period, no tax is due on the sale or purchase of any article of clothing, wallet, or bag, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$100 or less per item. This exemption does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of clothing, wallet, or bag, selling for \$100 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$60 each. Both items are eligible for the exemption, even though the customer's total purchase price (\$120) exceeds \$100.

(c)1. The exemption does not apply to the first \$100 of price of an eligible item of clothing, wallet, or bag selling for more than \$100.

2. Example: A customer purchases a pair of pants costing \$110. Tax is due on the entire \$110.

#### (3) School Supplies.

(a)1. During the Holiday Period, no tax is due on the sale or purchase of any item of school supplies with a selling price of \$15 or less per item. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

2. Example: A customer purchases a set of markers for \$12. The purchase qualifies for the exemption.

3. Example: A customer purchases a calculator costing \$18. Tax is due on the entire \$18.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$15 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases ten composition books for \$2.50 each. All ten items will qualify for the exemption, even though the customer's total purchase price (\$25) exceeds \$15.

#### (4) Personal Computers and Certain Personal Computer Related Accessories.

(a) During the Holiday Period, no tax is due on the first \$750 of the sale or purchase of any Personal Computer or Personal Computer Related Accessories for noncommercial home or personal use. This exemption does not apply to sales of Personal Computers or Personal Computer Related Accessories within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to the first \$750 of each eligible Personal Computer or qualifying Personal Computer Related Accessory.

2. Example: A customer purchases a \$600 personal computer, a \$100 printer, and a \$200 personal computer in a single transaction. Each item will qualify for the exemption.

(c)1. The exemption applies to the first \$750 of the price of an eligible personal computer or qualifying related accessory selling for more than \$750.

2. Example: A customer purchases a personal computer costing \$900. No tax is due on the first \$750 of the selling price. Tax is due on the remaining \$150.

#### (5) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35. Although the wallet would otherwise be exempt during the Holiday Period, the sales price of the gift set is subject to tax.

(c) Example: A desk set consisting of a stapler (which is not defined as an eligible "school supply" by statute) and a pair of scissors (which is defined as an eligible "school supply" by statute) is sold for a single price of \$10. Although the scissors would otherwise be exempt during the Holiday Period, the sales price of the desk set is subject to tax.

(d) A Personal Computer which comes preloaded with games for personal use, but which otherwise meets the criteria for the exemption, will be eligible for the exemption.

#### (6) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$120. The pair of shoes cannot be split in order to sell each shoe for \$60 to qualify for the exemption.

(c) Example: A suit is normally priced at \$150 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$100 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$100 or less.

(d) Example: A pen and pencil set is normally priced at \$18 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$15 or less in order to qualify for the exemption.

#### (7) Buy One, Get One Free or for a Reduced Price.

(a) The total price of items advertised as "buy one, get one free," or "buy one, get one for a reduced price," cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as “buy one, get one free.” The first pair of pants is priced at \$110; the second pair of pants is free. Tax is due on \$110. The store cannot sell each pair of pants for \$55 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50 percent off, selling each pair of \$110 pants for \$55, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as “buy one pair at the regular price, get a second pair for half price.” The first pair of shoes is sold for \$120; the second pair is sold for \$60 (half price). Tax is due on the \$120 shoes, but not on the \$60 shoes. The store cannot sell each pair of shoes for \$90 in order for the items to qualify for the exemption. However, a retailer may advertise the pairs for 25 percent off, thereby selling each pair of \$120 shoes for \$90, making each pair eligible for the exemption.

#### (8) Mail Order Sales.

(a) During the Holiday Period, eligible items purchased by mail order, including sales transactions over the Internet, are exempt if the order is accepted during the Holiday Period for immediate shipment, even if delivery is made after the Holiday Period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an “order number” to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

#### (9) Shipping and Handling Charges.

(a) When separately stated shipping charges are part of the sales price of the items listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to each item sold to determine the total sales price of the item. The cost of each item is divided by the total cost of all the items ordered to obtain the percentage of cost that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item.

(b) Example 1: A customer orders a \$100 dress and a \$25 shirt, for a total of \$125 during the Holiday Period. The shipping charge is \$10. The percentage of cost for the shirt is 20 percent (the ratio of shirt cost to total cost is \$25 to \$125. \$25 divided by \$125 is 20 percent. The portion of the \$10 shipping charge which is allocated to the shirt is therefore \$2, or 20 percent of \$10. The percentage of cost for the dress is 80 percent (the ratio of dress cost to total cost is \$100 to \$125. \$100 divided by \$125 is 80 percent. The portion of the \$10 shipping

charge which is allocated to the shirt is therefore \$8, or 80 percent of \$10. Once the shipping charge has been allocated, the total sales price for the shirt is \$27 and the total sales price for the dress is \$108. The shirt qualifies for the exemption. The dress is more than \$100 and does not qualify for the exemption.

(10) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the Holiday Period are tax exempt, even if final payment of the layaway is made after the Holiday Period. If a customer makes a final payment and takes delivery of the item during the Holiday Period, the eligible items are tax exempt.

(11) Rain checks. Eligible items purchased during the Holiday Period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the Holiday Period will not qualify eligible items for the exemption if the item is actually purchased after the Holiday Period.

#### (12) Exchanges.

(a) If a customer purchases an eligible item during the Holiday Period, then later exchanges the item for the same item (different size or different color), no additional tax will be due even if the exchange is made after the Holiday Period.

(b) If a customer purchases an eligible item during the Holiday Period, then later returns the item and receives credit on the purchase of a different item, the new item purchased is subject to tax.

#### (13) Coupons, Rebates, and Discounts.

(a)1. Manufacturer’s coupons. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer. Manufacturer’s coupons do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

2. Example: A jacket sells for \$105. The customer has a \$10 manufacturer’s coupon good for the purchase of the jacket. The manufacturer’s coupon does not reduce the sales price of the jacket. Tax is due on \$105, even though the customer only pays the retailer \$95 for the jacket.

(b)1. Store coupons and discounts. A coupon, discount, or rebate offered by the retail seller reduces the sales price of an item because it reduces the total amount received by the retail seller for the item. Therefore, a store coupon or discount can be used to reduce the sales price of a clothing item to \$100 or less, a school supply item to \$15 or less, or the sales price of a personal computer, to determine if or to what extent an item qualifies for the exemption.

2. Example: A customer buys a \$400 suit and a \$110 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360, and the sales price of the shirt is \$99. The suit is taxable (its price is over \$100), and the shirt is exempt (its price is less than \$100).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$85. The customer receives a \$10 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$85.

(14) Repairs or Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$75 and pays \$5 to the retailer to have the pants cuffed. The \$75 charge for the pants is exempt; however, tax is due on the \$5 alterations charge.

(15) Gift Cards.

(a) Eligible items purchased during the Holiday Period using a gift card will qualify for the exemption, regardless of when the gift card was purchased. Eligible items purchased after the Holiday Period using a gift card are taxable, even if the gift card was purchased during the Holiday Period. A gift card does not reduce the selling price of an item.

(b) Example: A customer purchases a dress priced at \$110 and uses a \$50 gift card. Tax is due on \$110. The gift certificate does not reduce the selling price to \$60 for purposes of the exemption.

(16) Rentals. Rentals of eligible items do not qualify for the exemption.

(17) License Fees or Other Fees imposed by Panama City and Panama City Beach.

(a) Panama City and Panama City Beach impose a 1 percent merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. If the fee is separately stated, it must be assigned to the sales price of each item on the invoice to determine if an item is exempt during the holiday.

(b) Example: A jacket sells for \$99.95. The separately stated 1 percent gross receipts fee for this item is \$1. Since the gross receipts fee is part of the sales price of the item (\$100.95), the jacket will not qualify for the exemption.

(18) List of Items of Clothing and Their Taxable Status During the Holiday Period. The following is a list of items of clothing and their taxable status during the Holiday Period, if they are sold for \$100 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Barrettes and bobby pins
- E Belt buckles
- E Bow ties
- E Hair nets, bows, clips, and bands
- E Handbags
- T Handkerchiefs
- T Jewelry
- T Key cases
- E Neckwear
- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watch bands
- T Watches
- E Aerobic/Fitness clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters
  
- B
- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps, and cover-ups
- E Belt buckles
- E Belts
- T Belts for weightlifting
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (purchased)
- T Bowling shoes (rented)
- E Bow ties
- E \*Braces and supports worn to correct or alleviate a physical incapacity or injury

<u>E</u>	<u>Bras</u>	<u>T</u>	<u>Baseball</u>
<u>T</u>	<u>Briefcases</u>	<u>T</u>	<u>Batting</u>
<u>C</u>		<u>T</u>	<u>Bicycle</u>
<u>E</u>	<u>Caps and hats</u>	<u>E</u>	<u>Dress (purchased)</u>
<u>T</u>	<u>Checkbook covers (separate from wallets)</u>	<u>E</u>	<u>Garden</u>
<u>T</u>	<u>Chest protectors</u>	<u>T</u>	<u>Golf</u>
<u>E</u>	<u>*Choir and altar clothing</u>	<u>T</u>	<u>Hockey</u>
<u>E</u>	<u>Cleated and spiked shoes</u>	<u>E</u>	<u>Leather</u>
<u>E</u>	<u>*Clerical vestments</u>	<u>T</u>	<u>Rubber</u>
<u>T</u>	<u>Cloth and lace, knitting yarns, and other fabrics</u>	<u>T</u>	<u>Surgical</u>
<u>T</u>	<u>Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers</u>	<u>T</u>	<u>Tennis</u>
<u>E</u>	<u>Coats and wraps</u>	<u>E</u>	<u>Work</u>
<u>E</u>	<u>Coin purses</u>	<u>T</u>	<u>Goggles (except *prescription)</u>
<u>T</u>	<u>Corsages and boutonnieres</u>	<u>E</u>	<u>Graduation caps and gowns</u>
<u>T</u>	<u>Cosmetic bags</u>	<u>E</u>	<u>Gym suits and uniforms</u>
<u>E</u>	<u>Costumes</u>	<u>H</u>	
<u>E</u>	<u>Coveralls</u>	<u>E</u>	<u>Hair nets, bows, clips, and bands</u>
<u>T</u>	<u>Crib blankets</u>	<u>E</u>	<u>Handbags and purses</u>
<u>D</u>		<u>T</u>	<u>Handkerchiefs</u>
<u>E</u>	<u>Diaper bags</u>	<u>T</u>	<u>Hard hats</u>
<u>E</u>	<u>Diapers, diaper inserts (adult and baby, cloth or disposable)</u>	<u>E</u>	<u>Hats</u>
<u>T</u>	<u>Diving suits (wet and dry)</u>	<u>T</u>	<u>Helmets (bicycle**, baseball, football, hockey, motorcycle, sports)</u>
<u>E</u>	<u>Dresses</u>	<u>E</u>	<u>Hosiery, including support hosiery</u>
<u>T</u>	<u>Duffel bags</u>	<u>E</u>	<u>Hunting vests</u>
<u>E</u>		<u>I - J</u>	
<u>T</u>	<u>Elbow pads</u>	<u>T</u>	<u>Ice skates</u>
<u>E</u>	<u>Employee uniforms</u>	<u>T</u>	<u>In-line skates</u>
<u>F</u>		<u>E</u>	<u>Insoles</u>
<u>E</u>	<u>Fanny packs</u>	<u>E</u>	<u>Jackets</u>
<u>T</u>	<u>Fins</u>	<u>E</u>	<u>Jeans</u>
<u>T</u>	<u>Fishing boots (waders)</u>	<u>T</u>	<u>Jewelry</u>
<u>E</u>	<u>Fishing vests (nonflotation)</u>	<u>K</u>	
<u>T</u>	<u>Football pads</u>	<u>T</u>	<u>Key chains</u>
<u>E</u>	<u>Formal clothing (purchased)</u>	<u>T</u>	<u>Knee pads</u>
<u>T</u>	<u>Formal clothing (rented)</u>	<u>L</u>	
<u>G</u>		<u>E</u>	<u>Lab coats</u>
<u>T</u>	<u>Garment bags</u>	<u>E</u>	<u>Leg warmers</u>
<u>E</u>	<u>Gloves (generally)</u>	<u>E</u>	<u>Leotards and tights</u>
		<u>T</u>	<u>Life jackets and vests</u>
		<u>E</u>	<u>Lingerie</u>
		<u>T</u>	<u>Luggage</u>

<u>M - N</u>		<u>E</u>	<u>Ski suits (snow)</u>
<u>T</u>	<u>Make-up bags</u>	<u>T</u>	<u>Skin diving suits</u>
<u>E</u>	<u>Martial arts attire</u>	<u>E</u>	<u>Skirts</u>
<u>E</u>	<u>Neckwear and ties</u>	<u>E</u>	<u>Sleepwear, nightgowns, pajamas</u>
		<u>E</u>	<u>Slippers</u>
<u>O - P</u>		<u>E</u>	<u>Slips</u>
<u>E</u>	<u>Overshoes and rubber shoes</u>	<u>E</u>	<u>Socks</u>
<u>T</u>	<u>Pads (football, hockey, soccer, elbow, knee,</u>	<u>T</u>	<u>Sports helmets</u>
<u>shoulder)</u>		<u>T</u>	<u>Sports pads (football, hockey, soccer, knee,</u>
<u>T</u>	<u>Paint or dust masks</u>	<u>elbow, shoulder)</u>	
<u>E</u>	<u>Pants</u>	<u>E</u>	<u>Sports uniforms (except pads, helmets)</u>
<u>E</u>	<u>Panty hose</u>	<u>T</u>	<u>Suitcases</u>
<u>T</u>	<u>Patterns</u>	<u>E</u>	<u>Suits, slacks, and jackets</u>
<u>T</u>	<u>Protective masks (athletic)</u>	<u>T</u>	<u>Sunglasses (except *prescription)</u>
<u>E</u>	<u>Purses</u>	<u>E</u>	<u>Suspenders</u>
		<u>E</u>	<u>Sweatbands</u>
<u>R</u>		<u>E</u>	<u>Sweaters</u>
<u>E</u>	<u>Raincoats, rain hats, and ponchos</u>	<u>T</u>	<u>Swimming masks</u>
<u>E</u>	<u>Receiving blankets</u>	<u>E</u>	<u>Swim suits and trunks</u>
<u>E</u>	<u>*Religious clothing</u>		
<u>T</u>	<u>Rented clothing (including uniforms, formal</u>	<u>T</u>	
<u>wear, and costumes)</u>		<u>E</u>	<u>Ties (neckties - all)</u>
<u>T</u>	<u>Repair of wearing apparel</u>	<u>E</u>	<u>Tights</u>
<u>E</u>	<u>Robes</u>	<u>E</u>	<u>Tuxedos (excluding rentals)</u>
<u>T</u>	<u>Roller blades</u>		
<u>T</u>	<u>Roller skates</u>	<u>U</u>	
		<u>T</u>	<u>Umbrellas</u>
<u>S</u>		<u>E</u>	<u>Underclothes</u>
<u>E</u>	<u>Safety clothing</u>	<u>E</u>	<u>Uniforms (work, school, and athletic -</u>
<u>T</u>	<u>Safety glasses (except *prescription)</u>	<u>excluding pads)</u>	
<u>E</u>	<u>Safety shoes</u>	<u>V - W</u>	
<u>E</u>	<u>Scarves</u>	<u>E</u>	<u>Vests</u>
<u>E</u>	<u>Scout uniforms</u>	<u>E</u>	<u>Vintage clothing</u>
<u>T</u>	<u>Shaving kits/bags</u>	<u>E</u>	<u>Wallets</u>
<u>E</u>	<u>Shawls and wraps</u>	<u>T</u>	<u>Watch bands</u>
<u>T</u>	<u>Shin guards and padding</u>	<u>T</u>	<u>Watches</u>
<u>E</u>	<u>Shirts</u>	<u>T</u>	<u>Water ski vests</u>
<u>E</u>	<u>Shoe inserts</u>	<u>T</u>	<u>Weight lifting belts</u>
<u>E</u>	<u>Shoes (including athletic)</u>	<u>T</u>	<u>Wet and dry diving suits</u>
<u>E</u>	<u>Shoulder pads (for dresses, jackets, etc.)</u>	<u>T</u>	<u>Wigs</u>
<u>T</u>	<u>Shoulder pads (football, hockey, sports)</u>	<u>E</u>	<u>Work clothes and uniforms</u>
<u>E</u>	<u>Shorts</u>		
<u>T</u>	<u>Skates (ice, in-line, roller)</u>		
<u>T</u>	<u>Ski boots (snow)</u>		
<u>T</u>	<u>Ski vests (water)</u>		

\*These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

\*\* Bicycle helmets marketed for use by youth are always exempt from sales tax.

(22) List of School Supplies and Their Taxable Status During the Holiday Period. The following is a list of school supplies and their taxable status during the Holiday Period if they are sold for \$15 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

- E Binders
- E Calculators
- E Cellophane (transparent) tape
- E Colored pencils
- E Compasses
- E Composition books
- E Computer disks (blank CDs only)
- T Computer paper
- E Construction paper
- T Correction tape, fluid, or pens
- E Crayons
- E Erasers
- E Folders
- E Glue (stick and liquid)
- E Highlighters
- E Legal pads
- E Lunch boxes
- E Markers
- T Masking tape
- E Notebook filler paper
- E Notebooks
- E Paste
- E Pencils, including mechanical and refills
- E Pens, including felt, ballpoint, fountain, highlighters, and refills
- E Poster board
- E Poster paper
- T Printer paper
- E Protractors
- E Rulers
- E Scissors
- T Staplers
- T Staples

(23) List of Personal Computers and Related Accessories and Their Taxable Status During the Holiday Period. The following is a list of personal computers and related accessories, and their taxable status during the Holiday Period. For each eligible item, the first \$750 of the item's selling price is exempt. This is not an inclusive list. T = Taxable, E = Exempt.

- E Batteries (designed for a computer)
- T Batteries (regular)\*\*
- E Cables for computers
- E Car adaptors for laptop computers
- T Cases for electronic devices (including electronic reader covers)
- T CDs/DVDs (music, voice, pre-recorded items)
- T Cellular telephones (including smart telephones)
- E Central processing units (CPU)
- E Compact disk drives
- E Computer for noncommercial or personal use
- E Desktop
- E Laptop
- E Tablet
- T Computer bags
- E Computer towers consisting of a central processing unit, random-access memory and a storage drive
- T Computers designed/intended for recreation (games and toys)
- T Computer paper
- T Copy machines and copier ink/toner
- E Data storage devices (excludes those devices designed for use in digital cameras or other taxable items)
- E Blank CDs
- E Diskettes
- E Flash drives
- E Jump drives
- E Memory cards
- E Portable hard drives
- E Storage drives
- E Thumb drives
- E Zip drives
- T Digital cameras
- T Digital media receivers
- E Docking stations (designed for a computer)
- E Ear buds and headphones
- E Electronic book readers
- T Fax machines - stand alone
- T Furniture
- T Game controllers (e.g., joy sticks, nunchucks)
- T Game systems and consoles
- T Games and gaming software

- E Hard Drives
- E Headphones (including “ear buds”)
- E Ink cartridges (for computers)
- E Keyboards (for computers)
- E Mice (mouse devices)
- E Microphones (built-in computers)
- E Modems
- E Monitors (except devices that include a television tuner)
- E Motherboards
- T MP3 players or accessories
- E Personal digital assistant devices (except cellular telephones)
- E Port replicators
- E Printer cartridges
- E Printers (including “all-in-one” models)
- T Projectors
- E RAM - random access memory
- T Rented computers or computer accessories
- E Routers
- E Scanners
- T Smart telephones
- E Software (nonrecreational)
- E Antivirus
- E Database
- E Educational
- E Financial
- E Word processing
- E Speakers (for computers)
- E Storage drives (for computers)
- T Surge protectors
- E Tablets
- T Tablet cases or covers
- T Televisions (including digital media receivers)
- T Video game consoles
- E Web cameras

**\*\*Batteries for use in prosthetic or orthopedic appliances are always exempt from tax.**

**This rule shall take effect on August 1, 2014.**

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), (2) FS, Section 22, Chapter 2014-38, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4), (9) FS, Chapter 2013-42, L.O.F. History—New \_\_\_\_\_.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: August 1, 2014

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On June 30, 2014, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from MagiCream located in Kissimmee. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

The Petition for this variance was published in Vol. 40, No. 128 of the F.A.R. on July 2, 2014. The Order for this Petition was signed and approved on July 10, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash and three-compartment sinks is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash and three-compartment sinks are provided with hot and cold running water under pressure; the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: :RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On June 17, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from Barefoot Bar located in Lake Buena Vista. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink in the outside bar of the Barefoot Bar remodel. The Petition for this variance was published in Vol. 40, No. 121 of the F.A.R. on June 23, 2014. The Order for this Petition was signed and approved on July 10, 2014. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@ myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.017: Personnel

NOTICE IS HEREBY GIVEN that on July 1, 2014, the Department of Children and Families received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Gulf Coast Jewish Family & Community Services and Barbara Ramsey. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or master's degree in social work or a related area of study from

an accredited college or university subsection 65C-15.017(3), F.A.C.,

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 30, 2014, 5:00 p.m.

PLACE: Florida Agriculture Center & Horse Park Authority, 11008 S. Highway 475, Ocala, FL 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Strategic Planning Committee.

A copy of the agenda may be obtained by contacting: EllenMarie Ettenger, (352)307-6699.

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: EllenMarie Ettenger, (352)307-6699. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center & Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 30, 2014, 3:30 p.m.

PLACE: Florida Agriculture Center & Horse Park Authority, 11008 S. Highway 475, Ocala, FL 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Building Committee to discuss general business.

A copy of the agenda may be obtained by contacting: EllenMarie Ettenger at (352)307-6699.

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: EllenMarie Ettenger at (352)307-6699. If you are hearing or speech impaired, please contact the agency using the



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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Agricultural Environmental Services  
 The Seed Investigation and Conciliation Council announces a hearing to which all persons are invited.

DATE AND TIME: August 1, 2014, 9:30 a.m. – 1:30 p.m.  
 PLACE: University of Florida – IFAS, North Florida Research and Education Center, 155 Research Rd., Quincy, FL 32351, telephone no.: (850)875-7100

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Seed Complaint Arbitration Hearing.

A copy of the agenda may be obtained by contacting: Mr. Weldon Collier.

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: Mr. Weldon Collier, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 L-29, Tallahassee, Florida 32399-1650, phone: (850)617-7907. 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: Mr. Weldon Collier, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Ste. E, Rm. 136, Tallahassee, Florida 32399-1650, phone: (850)617-7907.

**REGIONAL PLANNING COUNCILS**

Northeast Florida Regional Planning Council  
 The Northeast Florida Regional Council announces public meetings to which all persons are invited.

DATE AND TIMES: August 7, 2014, 9:00 a.m., Planning & Growth Management Committee; 9:00 a.m., Personnel, Budget & Finance Policy Committee; 10:00 a.m., Full Board of Directors; Legislative Policy Committee immediately following full Board. Please check our website at [www.nefrc.org](http://www.nefrc.org) for any changes.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or [sforde@nefrc.org](mailto:sforde@nefrc.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 5 days before the workshop/meeting by contacting: Sheron Forde. 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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Medicaid  
 RULE NO.: RULE TITLE:  
 59G-4.160 Outpatient Hospital Services

The Agency for Health Care Administration announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 30, 2014, 2:00 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: An additional workshop is scheduled in Tallahassee, FL for the purpose of facilitating public discussion and comment on the Agency’s intent to readopt and enforce the rule language that remains currently in effect related to emergency room services for undocumented aliens, as currently codified in the Florida Medicaid Hospital Services Coverage and Limitations Handbook, December 2011, as set forth in subsection 59G-4.160(2), Outpatient Hospital Services, stating as follows under the “Medicaid for Aliens” section: “Eligibility can be authorized only for the duration of the emergency. Medicaid will not pay for continuous or episodic services after the emergency has been alleviated.” This workshop is provided to underscore that the language quoted above remains in effect without alteration from the version previously adopted and shall continue to be enforced accordingly.

A copy of the agenda may be obtained by contacting: Luc Toussaint, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, telephone: (850)412-4211, email: [luc.toussaint@ahca.myflorida.com](mailto:luc.toussaint@ahca.myflorida.com) or may be downloaded at:

[www.ahca.myflorida.com/Medicaid/review/index.shtml](http://www.ahca.myflorida.com/Medicaid/review/index.shtml).

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: Luc Toussaint. 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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Medicaid  
 RULE NO.: RULE TITLE:  
 59G-5.020 Provider Requirements

The Agency for Health Care Administration announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 30, 2014, 2:30 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: An additional workshop is scheduled in Tallahassee, FL for the purpose of facilitating public discussion and comment on the Agency’s intent to readopt and enforce the rule language that remains currently in effect related to emergency room services for undocumented aliens, as currently codified in the Florida Medicaid Provider General Handbook, July 2012, as set forth in subsection 59G-5.020(1), Provider Requirements, stating as follows under the “Medicaid for Aliens” section: “Eligibility can be authorized only for the duration of the emergency. Medicaid will not pay for continuous or episodic services after the emergency has been alleviated.” This workshop is provided to underscore that the language quoted above remains in effect without alteration from the version previously adopted and shall continue to be enforced accordingly.

A copy of the agenda may be obtained by contacting: Mary McCullough, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, telephone: (850)412-4234, email: mary.mccullough@ahca.myflorida.com or may be downloaded at:

[www.ahca.myflorida.com/Medicaid/review/index.shtml](http://www.ahca.myflorida.com/Medicaid/review/index.shtml).

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

- 62-762.601: Release Detection Standards
- 62-762.611: Release Detection Methods
- 62-762.641: Performance Standards for Release Detection Methods
- 62-762.701: Repairs, Operation and Maintenance of Storage Tank Systems
- 62-762.711: Recordkeeping

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

DATE AND TIME: August 6, 2014, 9:00 a.m., – 4:00 p.m.

PLACE: Roger P. Stewart Center 3629 Queen Palm Dr., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: AST Technical Advisory Group. Technical discussion for those providing in-depth technical information regarding regulated aboveground storage tanks.

Teleconference info: call-in number: 1(888)670-3525, participant code: 813 505 3297 #

A copy of the agenda may be obtained by contacting: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us; calling (850)245-8842; or on the Department website at <http://www.dep.state.fl.us/waste/categories/shw/pages/announcements.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us, or calling (850)245-8842. 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: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us or (850)245-8842.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: July 29, 2014, 1:00 p.m.

PLACE: City of Palm Bay Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida 32907

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fourth technical meeting following the adoption of Basin Management Action Plans for the Indian River Lagoon. This meeting will cover the crediting of water quality improvement projects. A presentation will be made of estimated nutrient reductions expected from different stormwater management techniques. The Basin Management Action Plans were adopted for the North and Central Indian River Lagoon and Banana River Lagoon in February 2013. These plans were developed in response to the adoption of Total Maximum Daily Loads for the Indian River Lagoon and contain strategies for reducing nutrient loadings into the lagoon. The Total Maximum Daily Loads were adopted in March 2009. These TMDLs specify reductions in the loadings of total nitrogen and total phosphorus to the Indian River Lagoon sufficient for recovery of deeper-water seagrass habitat.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair

Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

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: Ms. Mary Paulic, (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF HEALTH

##### Division of Family Health Services

The Department of Health, Community Health Promotion announces public meetings to which all persons are invited.

DATES AND TIMES: August 14, 2014, 9:00 a.m. – 6:00 p.m.; August 15, 2014 9:00 a.m. – 1:00 p.m.

PLACE: Daytona Beach Resort, 2700 N. Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH) is mandated by Florida Statute 413.271 to serve as an advisory and coordinating body which recommends policies that address the needs of Florida's community who are deaf, hard of hearing, late deafened or have combined hearing and vision loss. Section D of the statute requires that the Council meet at least once each quarter.

Purpose: To discuss development of the Council's 2015 Biennial Report and continue development of the five-year strategic plan for the Council.

\*The FCCDHH will take Public Comments on August 14, 2014 from 4:45 p.m. – 6:00 p.m.

Communication Access Real-Time Translation Services: (CART) will be provided remotely via: <http://www.streamtext.net/text.aspx?event=FCCDHH>.

The meeting may be accessed via conference call: 1(888)670-3525; conference code: 8338411399#

A copy of the agenda may be obtained by contacting: Darcy Abbott, Bureau Chief, Florida Department of Health at (850)245-4365.

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: Darcy Abbott, Bureau Chief, Florida Department of Health at (850)245-4365. 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: Darcy Abbott, Bureau Chief, Florida Department of Health at (850)245-4365.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Office on Homelessness

The Council on Homelessness – Continuum of Care Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 26, 2014, 2:00 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Agenda to be announced.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Office on Homelessness

The Council on Homelessness – Affordable Housing Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 10, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Agenda to be announced.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik\\_braun@dcf.state.fl.us](mailto:erik_braun@dcf.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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

The Council on Homelessness – Awareness & Outreach Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: September, 4, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda to be announced.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

The Council on Homelessness – Continuum of Care Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 23, 2014, 2:00 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda to be announced.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Office on Homelessness

The Council on Homelessness – Data Collection Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 13, 2014, 1:30 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda to be announced.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik\_braun@dcf.state.fl.us.

CLERK OF COURT OPERATIONS CORPORATION

The Florida Clerks of Court Operations Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 31, 2014, 11:30 a.m.

PLACE: Pelican Room, Grand Hyatt Tampa Bay, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and other related issues.

A copy of the agenda may be obtained by contacting: www.flccoc.org or calling (850)386-2223.

THE CUNNINGHAM GROUP

The Florida Department of Transportation (FDOT) District Six announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2014, 9:00 a.m.

PLACE: Adrienne Arsht Center for the Performing Arts of Miami-Dade County, Ziff Ballet Opera House (Green Room), 1300 Biscayne Boulevard, Miami, FL 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Aesthetic Steering Committee (ASC) for the I-395 Reconstruction Project will meet to discuss and evaluate potential bridge design alternatives.

A copy of the agenda may be obtained by contacting: Vilma Croft, P.E., Project Manager, Florida Department of Transportation District Six, 1000 NW 111 Avenue, Miami, Florida 33172, (305)470-5400 (telephone), (305)640-7558 (fax); via email at vilma.croft@dot.state.fl.us; or by visiting the project website at <http://I-395Miami.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 3 days before the workshop/meeting by contacting: Ms. Fang Mei, P.E., at (305)470-5342 ; in writing to the Florida Department of Transportation, District Six, 1000 NW 111 Avenue, Room 6111, Miami, Florida 33172; or by email at [fang.mei@dot.state.fl.us](mailto:fang.mei@dot.state.fl.us) at least three days prior to the meeting. 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: Vilma Croft, P.E., at (305)470-5400 or [vilma.croft@dot.state.fl.us](mailto:vilma.croft@dot.state.fl.us).

### Section VII

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from James T. Sudlow on July 14, 2014. The petition seeks the agency’s opinion as to the applicability of Sections 489.105(3)(a) and 489.113(3)(c), Florida Statutes, as they apply to the petitioner.

The petitioner seeks a declaratory statement regarding Sections 489.105(3)(a) and 489.113(3)(c), Florida Statutes, as to whether a licensed general contractor can do the work required to install a public interactive water feature, sometimes called a “spray pad” or “spray park.” Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by electronic mail: [Amanda.Wynn@myfloridalicense.com](mailto:Amanda.Wynn@myfloridalicense.com).

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Michael Sheehan on July 10, 2014. The petition seeks the agency’s opinion as to the applicability of the 2010 Florida Fire Prevention Code 7.4.1.6 as it applies to the petitioner.

The Petition seeks an official determination of whether elevators can open directly to spaces such as private offices tenant floors, residential (apartments, hotels, or condominium) units or corridors within a building.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Melissa E. Dembicer, Assistant General Counsel, Division of Legal Services, 612 Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0333, (850)413-5829. Please refer all comments to: Melissa Dembicer.

Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

### 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:

John Jennings vs. Department of Education; Rule No.: 6A-10.081; Case No.: 14-3082RX

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

John Jennings vs. Department of Education; Rule No.: 6A-10.081; Case No.: 14-3082RX; Dismissed

Donna A. Burney vs. State Board of Education; Case No.: 14-2205RX; Rule No.: 6B-4.009; Dismissed

Allen Gezelman, P.E. vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 13-4656RX; Rule No.: 61G15-23.002; Dismissed

**Section IX  
Notice of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

Isolda Gamble, D.D.S. vs. Department of Health and Board of Dentistry; Case No.: 14-3114RU

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Calder Race Course, Inc., and Tampa Bay Downs, Inc., and Gulfstream Park Racing Association, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 13-1993RU; Voluntarily Dismissed

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

NONE

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

**WATER MANAGEMENT DISTRICTS**  
St. Johns River Water Management District

Water Control Structure Underwater Inspection project  
The District has issued Request for Qualification (RFQ) No. 27975 relating to the Water Control Structure Underwater Inspection project. The District’s Evaluation Committee (“Committee”) for this RFQ will meet at District headquarters at 4049 Reid Street, Palatka, Florida 32177, on Monday, July 28, 2014, for follow-up negotiations with the top-ranked respondent.

Special accommodations for disabilities may be requested through Wendy Cox, Procurement Program Manager, by contacting her at wcox@sjrwmd.com or by calling 1(800)955-8771 (TTY), at least five business days before the date needed.

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**Section XII  
Miscellaneous**

**FLORIDA HOUSING FINANCE CORPORATION  
Notice of Funding Availability  
STATE APARTMENT INCENTIVE LOAN  
(SAIL) PROGRAM**

**2014 NOTICE OF FUNDING AVAILABILITY (NOFA)**

The Florida Housing Finance Corporation (Florida Housing) announces the availability of funding for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Rule Chapter 67-48, Florida Administrative Code (F.A.C.) or a competitive solicitation, as applicable. The funding will be offered through one or more competitive solicitations.

In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. The percentages over the current 3-year period are as follows: 53% for Large County; 37% for Medium County; and 10% for Small County designation developments. This funding cycle is the first year of a 3-year period. Funding cannot be made at levels that would make it impossible to meet the statutory requirements over the 3-year period.

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be made available under this NOFA at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 10% for Homeless; 10% for Special Needs, 20% for Elderly [Note: This amount is subject to a 10% reduction of the 20% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 50% for Families. The reservation of funds to any demographic category may not be less than 10% of the funds available at that time, except for persons who are homeless which reservation may not be less than 5% of the funds available.

Florida Housing currently anticipates the allocation of approximately \$93,660,000 for all competitive solicitations associated with the SAIL Program from funding sources as estimated below:

- \$57,660,000 = 2014 Legislative Appropriation
- \$36,000,000 = SAIL Program Income

Geographic distribution will be set based upon an anticipated funding level of \$93,660,000. This amount is subject to change. The anticipated geographic funding distribution is as follows:

COUNTY DESIGNATION	FUNDING TARGET
Large	\$49,639,800
Medium	\$34,654,200
Small	\$9,366,000

For more information on opening and closing dates of the competitive solicitations, or on how to submit an Application, please access Florida Housing’s Website at:

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/>.

If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

All Applications submitted in response to a competitive solicitation must be submitted to Florida Housing Finance Corporation in accordance with the requirements of the applicable Request for Applications, provisions of all applicable Florida Statutes, Rule Chapter 67-60, F.A.C., and Rule Chapter 67-48, F.A.C.

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

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

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