

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

- | RULE NOS.:    | RULE TITLES:  |
|---------------|---|
| 61G15-22.0001 | Renewal of Active Licenses  |
| 61G15-22.0002 | Renewal of Inactive Licenses  |
| 61G15-22.0003 | Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States |
| 61G15-22.001  | Continuing Education Requirements   |
| 61G15-22.002  | Definitions   |
| 61G15-22.003  | Qualifying Activities for Area of Practice Requirement  |
| 61G15-22.004  | Conversion of Education Units to PDH  |
| 61G15-22.005  | Non-Qualifying Activities   |
| 61G15-22.006  | Demonstrating Compliance  |
| 61G15-22.007  | Noncompliance (Repealed)  |
| 61G15-22.008  | Record Keeping  |
| 61G15-22.009  | Exemptions  |
| 61G15-22.010  | Qualifying Activities for Laws and Rules Requirement  |
| 61G15-22.0105 | Approval of Continuing Education Courses in Laws and Rules  |
| 61G15-22.011  | Board Approval of Continuing Education Providers  |
| 61G15-22.012  | Obligations of Continuing Education Providers   |
| 61G15-22.013  | Evaluation of Providers   |
| 61G15-22.014  | Duration of Provider Status   |

PURPOSE AND EFFECT: The Board proposes to review the rules to determine if any necessary changes are needed to update the rules.

SUBJECT AREA TO BE ADDRESSED: Renewal of Active Licenses; Renewal of Inactive Licenses; Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States; Continuing Education Requirements; Definitions; Qualifying Activities for Area of Practice Requirement; Conversion of Education Units to PDH; Non-Qualifying Activities; Demonstrating Compliance; Demonstrating Compliance; Noncompliance; Record Keeping; Exemptions; Qualifying Activities for Laws and Rules Requirements; Board Approval of Continuing Education Providers; Obligations of Continuing Education Providers; Evaluation of Providers; Duration of Provider Status.

RULEMAKING AUTHORITY: 455.02(2), 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(2), (3), 471.019 FS.

LAW IMPLEMENTED: 455.02(2), 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(2), (3), 471.019, 471.0195 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

- | RULE NO.:   | RULE TITLE:                              |
|-------------|--|
| 61G20-1.003 | Second Emergency Elevator Effective Date |
- PURPOSE AND EFFECT: To delay the effective date of the requirement of a second fire service elevator as contained with Section 403.6.1 of the Florida Building Code, Building (2014).

SUBJECT AREA TO BE ADDRESSED: Fire Service Access Elevator Requirements.

RULEMAKING AUTHORITY: 553.73, 553.76 FS.

LAW IMPLEMENTED: 553.73, 553.76 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: Jim Richmond, Executive Director, Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

RULE NO.: RULE TITLE:  
 61G20-1.004 Effective Date for Blower Door and Mechanical Ventilation Requirements.

PURPOSE AND EFFECT: To delay the effective dates of the mandatory blower door testing and mechanical ventilation requirements for residential buildings or dwelling units as contained within Section 303.4 of the Florida Building Code, Residential (2014) and Section 402.4.1, Florida Building Code, Energy Conservation (2014).

SUBJECT AREA TO BE ADDRESSED: Blower Door and Mechanical Ventilation Requirements.

RULEMAKING AUTHORITY: 553.73, 553.76 FS.

LAW IMPLEMENTED: 553.73, 553.76 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: Jim Richmond, Executive Director, Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Drugs, Devices and Cosmetics**

RULE NOS.: RULE TITLES:  
 61N-1.028 Product Tracking and Tracing – Definitions  
 61N-1.029 Product Tracking and Tracing – Manufacturer Requirements  
 61N-1.030 Product Tracking and Tracing – Wholesale Distributor Requirements  
 61N-1.031 Product Tracking and Tracing – Dispenser Requirements  
 61N-1.032 Product Tracking and Tracing – Repackager Requirements

PURPOSE AND EFFECT: To adopt and incorporate the federal requirements pertaining to the tracking and tracing of certain prescription drug products.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the product tracking and tracing requirements for entities that engage in the manufacture, repackaging, wholesale distribution, and dispensing of specific prescription drug products falling under Title II, Drug Supply Chain Security Act, of the federal Drug Quality and Security Act.

RULEMAKING AUTHORITY: 499.05, 499.0121 FS.

LAW IMPLEMENTED: 499.002, 499.0121, 499.05, 499.052 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: Dinah Greene, Division of Drugs, Devices and Cosmetics, Department of Business and Professional Regulation, 1940 N. Monroe St., Suite 26A, Tallahassee, FL 32399-1047, Dinah.Greene@myfloridalicense.com, (850)488-1802

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

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65C-30.001	Definitions
65C-30.002	Early Service Intervention and Case Transfer
65C-30.003	Diligent Search
65C-30.004	Identification of Children
65C-30.005	Family Assessment
65C-30.006	Case Planning
65C-30.007	Case Management Responsibilities
65C-30.008	Services Worker Responsibilities to Parents
65C-30.009	Tiered Services Protocol
65C-30.010	Voluntary Protective Services
65C-30.011	Placement Responsibilities of the Services Worker or Child Protective Investigator
65C-30.012	Permanency Goal Selection
65C-30.013	Judicial Reviews and Court Reports
65C-30.014	Post-Placement Supervision and Services
65C-30.015	New Reports Received, Removal, and Placement of Children
65C-30.016	New Children in Families under Supervision
65C-30.017	Coordination of Services for Youth Involved with the Department of Juvenile Justice
65C-30.018	Out-of-County Services
65C-30.019	Missing Children
65C-30.020	Child Deaths
65C-30.021	Child Death Reviews
65C-30.022	Termination of Services

**PURPOSE AND EFFECT:** The Department of Children and Families intends to amend rules within Chapter 65C-30, General Child Welfare Provisions, to accomplish the following tasks: 1) Implement legislative changes; 2) Delete rule language which is either being moved to other departmental administrative rules or repealed; and 3) Simplify wording and resolve ambiguities.

**SUBJECT AREA TO BE ADDRESSED:** General Child Welfare Provisions.

**RULEMAKING AUTHORITY:** 39.012, 39.0121, 39.0141, 39.407(1), 39.5075(8), 39.5085(2)(a), (d), 63.233, 394.4781(3)(c), 409.145, 409.175(5) FS.

**LAW IMPLEMENTED:** 39.0141, 39.201, 39.2015, 39.202, 39.301, 39.303, 39.401, 39.402, 39.407, 39.502, 39.503, 39.5075, 39.5085, 39.521, 39.522, 39.6011, 39.6012, 39.6013, 39.604, 39.622, 39.6221, 39.6241, 39.701, 39.702, 63.162, 63.167, 394.9082, 409.145, 409.165, 409.401, 409.175 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: Jodi Abramowitz. Jodi can be reached at (850)717-4189 or Jodi.abramowitz@myflfamilies.com

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

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-57.001	Purpose and Intent
67-57.005	Definitions
67-57.010	Fees
67-57.020	Notice of funding Availability (NOFA)
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process
67-57.080	HOME Regulations

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to establish the Homeownership Pool (“HOP”) Program procedures by which the Corporation shall administer the Application process, determine loan amounts, service loans, and provide down payment assistance to Eligible Homebuyers for the purchase of new construction Units or substantially rehabilitated under the Homeownership Assistance Program (HAP) as authorized by Section 420.5088, F.S., and the HOME Investment Partnerships Program (HOME) as authorized by Section 420.5089, F.S., and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownerShipPrograms/HOP>.

**SUBJECT AREA TO BE ADDRESSED:** HOP Program.

**RULEMAKING AUTHORITY:** 420.507(12), (14) FS.

**LAW IMPLEMENTED:** 420.507(23), 420.5088, 420.5089(2) 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:** To be determined.

**PLACE:** To be determined.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David R. Westcott, Director of Homeownership Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

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

Section II  
Proposed Rules

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NOS.: RULE TITLES:

2A-9.002 Grant Eligibility

2A-9.003 Grant Application

PURPOSE AND EFFECT: Provide purpose, general provisions, definitions, and other requirements for funding under the Crime Stoppers Trust Fund.

SUMMARY: This rule provides clarification of the definitions, documentation requirements, and procedures for obtaining grants through the Crime Stoppers Trust Fund

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 the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 3., 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: 16.555(6) FS.  
LAW IMPLEMENTED: 16.555, 16.556, 938.06 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, FL 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-9.002 Grant Eligibility.

(1) No change.

(a) No change.

(b) Within 10 days of determining same, tThe Florida Association of Crime Stoppers shall provide to the Department in writing ~~within 10 days~~ the name of any organization which is no longer in good standing.

(c) through (5) No change.

Rulemaking Authority 16.555 (6) FS. Law Implemented 16.555, 16.556, 938.06 FS. History–New 6-22-15, Amended\_\_\_\_\_.

2A-9.003 Grant Application.

(1) through (4) No change.

(5) No change.

(a) Original, fully completed and signed form CSA-1, entitled “Florida Crime Stoppers Trust Fund Attachment B (CSTE) Grant Application”, revised 05/2015. The instructions for same are found on form CSA-1 Instructions, entitled “Attachment B Instructions Crime Stoppers Trust Fund Grant Application”, revised 05/2015. The forms are available at <http://www.fcpti.com>. The application is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____) and the instructions are incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____). The application ~~which~~ requires the following information be provided:

1. through (8)(d) No change.

Rulemaking Authority 16.555 (6) FS. Law Implemented 16.555, 16.556, 938.06 FS. History–New 6-22-15, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Attorney General Pam Bondi

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 26, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: June 4, 2015

**DEPARTMENT OF TRANSPORTATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-10.0011	General Provisions
14-10.0022	Outdoor Advertising Sign Inventory
14-10.003	Licenses
14-10.004	Permit
14-10.00401	Administration of Outdoor Advertising Permits
14-10.0041	Annual Renewal Billing - Licenses and Permits
14-10.0042	Denial or Revocation of Licenses or Permits
14-10.0043	Outdoor Advertising License and Permit Fees
14-10.0052	Zoning Enacted Primarily to Permit Outdoor Advertising Signs
14-10.006	Permitting Criteria
14-10.007	Maintenance of Nonconforming Signs

**PURPOSE AND EFFECT:** To clarify language and update requirements for outdoor advertising licenses and permits.

**SUMMARY:** These amendments reflect statutory changes to allow for local government land use determination on whether parcels are commercial or industrial for outdoor advertising permit purposes, reduced spacing for signs along the interstate with local government authorization, and the ability to suspend, instead of revoke outdoor advertising licenses for violations. Rule provisions have been reorganized and edited for clarity. Permit fees, previously allowing for a lesser rate for smaller signs, have been made uniform.

**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: Annual permit and license fees have not increased, except to equalize the permit fee of smaller signs with larger signs. Of the approximately 18,000 permits, the permit fee change will affect only 1,000 at a cost of \$20 each.

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:** 334.044(2), 479.02(7)(8) FS.  
**LAW IMPLEMENTED:** 120.60, 215.34, 334.044(28), 339.05, 479.01, 479.02, 479.024, 479.03, 479.04, 479.05, 479.07, 479.08, 479.106, 479.11, 479.15, 479.24 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: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-10.0011 General Provisions.

(1) Definitions. All terms in this rule chapter shall have the same meanings as those in Section 479.01, F.S. Additionally, the following terms are defined:

(a) through (g) No change.

~~(h) "Public or Court Officer" means as described in Section 112.3173, F.S.~~

~~(h)(i) "Rest Area" means a publicly owned, controlled, and designated place for emergency stops, relaxation, and recreation, including sanitary and other facilities within or adjacent to the highway right of way.~~

~~(i)(i) "Sign Structure Height" means the total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding embellishments.~~

(2) Names and Addresses.

(a) For consideration of a license or sign permit under this rule chapter, completed forms must be sent to:

Outdoor Advertising License and Permit Office  
 Florida Department of Transportation  
 605 Suwannee Street, MS 22  
 Tallahassee, Florida 32399-0450

Forms referenced in this rule may be obtained at the above address or at the website:

<http://www.dot.state.fl.us/rightofway/Documents.shtm>  
~~dot.state.fl.us/rightofway.~~

(b) No change.

~~(c) All correspondence from the Department to the licensee or permittee including billing, notices of violation, or other information issued by the Department will be electronic sent to the address provided on the application, unless the licensee or permittee notifies the Department in writing that the mailing address is the preferred method of receipt has updated the information in accordance with paragraph (d) below.~~

(d) A licensee or permittee shall notify the Department, in writing, within 30 calendar days of any change in address. This notification shall include:

1. The date the change of name or address (mailing or e-mail) becomes effective;
2. The account name as listed on the Department billing;
3. The name of the individual authorized to sign the notice; and
4. Certification from the person with authority to update the information. The authorized signature.

(e) through (f) No change.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 479.02 FS. History—New 6-28-98, Amended 8-19-01, 10-3-10,\_\_\_\_\_.

14-10.0022 Outdoor Advertising Sign Inventory.

Pursuant to Section 479.02(8), F.S., the Department shall update its outdoor advertising database inventory information for all permitted signs no less than every two years. This inventory shall provide, as a minimum, the following current information derived from field review and historical information contained in the Department’s files:

- (1) through (8) No change.
- (9) Whether the sign is a changeable message;
- (10)(9) Whether the sign is in conformance with local land use requirements;
- (11)(10) Whether the sign is in an urban area;
- (12)(11) Whether the sign is in an incorporated area;
- (13)(12) Status of the sign, whether conforming, nonconforming, or illegal;
- (14)(13) Permittee’s name and address;
- (15)(14) Sign permit number(s), current and previous, assigned to the sign facing;
- (16)(15) Status of the sign permit, whether active or canceled, revoked, expired, or void; and
- (17)(16) Date the sign was removed, when applicable.

Changes made to the Department’s previous inventory records to reflect physical characteristics of a sign or sign facing existing at the time of an inventory update shall not create a waiver or constitute forgiveness of any violation of the provisions of Chapter 479, F.S.

Rulemaking Authority 334.044(2), 479.02(7), (8) FS. Law Implemented 339.05, 479.01, 479.02, 479.03, 479.07(9) FS. History—New 6-28-98, Amended 10-3-10,\_\_\_\_\_.

14-10.003 Licenses.

(1) Outdoor Advertising License Required.

(a) A person or entity is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person or entity is ~~receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements.~~

(b) Persons or entities solely engaged in the following advertising their own businesses and contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement :

1. Advertising their own business or businesses; or
2. Erecting or constructing signs.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 06/15 ~~10/06~~, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05476>.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, 1-25-04, 12-31-06, 10-3-10,\_\_\_\_\_.

14-10.004 Outdoor Advertising Permit Applications, Criteria, and Permit Issuance.

(1) Applications. An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 6/15 ~~02/09~~, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05475> to the address listed in paragraph 14-10.0011(2)(a), F.A.C. Each application for a sign permit shall meet the requirements of Chapter 479, F.S., this rule chapter, and the 1972 Federal-State Agreement, incorporated herein by reference at https://www.flrules.org/Gateway/reference.asp?No=Ref-05479. In the event of a conflict between a provision in the 1972 Federal-State Agreement and a provision of Chapter 479, F.S., the more restrictive provision shall apply.

(a) through (c) No change.

2. Applications submitted with payment that will become void within 30 days from the Department receipt will be returned as incomplete.

3.2. Applications containing incorrect information will be denied.

4.3. Incomplete sign permit applications will be returned to the applicant along with any sign permit fees submitted with the application.

5.4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

~~6.5-~~ Pursuant to Section 479.07(3)(b), F.S., the written statement from the landowner must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee, or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

a. through d. No change.

(2) Application status. Complete applications will be either approved or denied within 30 calendar days of receipt by the Department unless an earlier application for that site or a competing site is under review, the applicant is seeking a vegetation management permit, or removal of a conflicting sign is pending. For approval, the applicant must demonstrate that all the requirements of Chapter 479, F.S. are met and the sign complies with the requirements of the 1972 Federal-State Agreement.

(a) No change.

(b) No change.

(c) When a permit application is received for a new sign site where vegetation management is required pursuant to Section 479.106, F.S., the permit will not be issued until the applicant has been issued a vegetation management permit by the Department in accordance with Rule ~~14-40.030, 14-10.057, F.A.C., and has removed two nonconforming signs.~~ A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation as required by Rule ~~14-40.030, 14-10.057, F.A.C.,~~ and Section 479.106(7), F.S., respectively, have been collected accomplished and the applicant has surrendered two nonconforming signs ~~for surrender~~ in accordance with Section 479.106(5), F.S. ~~If a permit is granted where the applicant has stated that no cutting, removal, or trimming of vegetation is required to create a view zone for the sign, the permittee may only maintain the view existing at the time the sign permit is issued.~~

(d) No change.

(3) Reduced Spacing on Interstates. For applications to be considered for a sign with between 1000 feet and 1500 feet of spacing from the nearest outdoor advertising sign along an interstate in accordance with Section 479.07(9)(c), F.S., in addition to the requirements of subsection (1) of this section, the applicant must submit:

(a) A copy of the local government adopted policy, ordinance, or other official document authorizing the placement of a new outdoor advertising sign along an interstate highway, in exchange for the removal of an existing sign from areas specifically designated by the local government; and

(b) A copy of the agreement between the local government and the sign owner allowing such removal and replacement.

(4) Size. Each sign facing shall not exceed 30 feet in height. Each sign facing shall not exceed 60 feet in length. Advertising copy shall not exceed 950 square feet for all sign faces. Embellishments shall not extend more than five feet beyond the permanent sign face, and are included in any measurement of the height, width, or area of the sign facing.

(5) Number of Sign Faces. There shall be no more than two faces showing at one time for each sign facing.

(6) Location. Signs shall not located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.

(7) Spacing. The distance between a proposed sign and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant to the location of the permitted sign. For signs that are permitted, but not constructed, the milepost location reflected in the permitted sign's application shall be used. Measurement along the edge of pavement shall be from a point perpendicular to a tangent on the edge of the main-traveled way nearest the location of the sign.

(a) For V-type, or back-to back signs, to be considered one sign for spacing purposes, the sign facings must either be connected by the same sign structure or cross-bracing, or the sign structures must be not more than fifteen feet apart at their nearest point.

(b) Official signs, signs exempt from permitting under Section 479.16, F.S., and structures that are not permitted signs shall not be considered in determining compliance with spacing requirements.

(c) The width of any intersections will be included in the measured distance between signs. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled way.

(d) No sign permit shall be issued for a sign to be located on the interstate highway system, which is outside the boundaries of an incorporated municipality and within 500 feet of an interchange, intersection at grade, or rest area. The distance shall be measured along the interstate in the direction leading away from the interchange, intersection at grade, or rest area beginning at the pavement widening of the exit from the main-traveled way, or at the end of pavement widening of the entrance to the main-traveled way. For the purposed of this subsection, all portions of the entrance and exit ramps shall be considered part of an interchange.

(e) When a sign or proposed sign is, or would be located within the controlled area and visible from any portion of the main-traveled way of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), F.S., the sign shall meet the permitting requirements of all highways, and be permitted to the roadway with the stricter controls.

(8) Sign Structure Height. The height of a sign structure shall be measured from the elevation of the crown of the main-traveled way to which the sign is permitted to the top of the highest sign face, excluding embellishments.

(9) Lighting. Signs shall not be illuminated by flashing, intermittent, or moving lights. Signs shall not be illuminated so that it interferes with the effectiveness of or obscures, an official traffic sign, device, or signal.

(10)(3) Changeable messages – Signs may have A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is at least six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds for non-digital signs and one half second for digital signs.

(c) The change of message occurs simultaneously for the entire sign face; and

~~(d) The application meets all other permitting requirements.~~

~~(d)(e)~~ All signs with changeable messages shall contain a default design that will ensure no flashing, intermittent message, or any other apparent movement is displayed should a malfunction occur.

(11) Outside an incorporated area, signs will not be permitted within 100 feet of the property line of a cemetery, public park, public reservation, public playground, or state or national forest. For schools and churches outside an incorporated areas, signs will not be permitted within 100 feet of the outer edges of the primary building or primary building complex when the individual units of the complex are connected by covered walkways.

(12)(4) Changes to Roadway Designations.

(a) A sign existing at a location which was not previously subject to the permitting requirements of Chapter 479, F.S., and this rule chapter, but has subsequently become subject to the requirements due to changes in the jurisdictional designation of highways, shall be granted a conforming or non-conforming state permit in accordance with the process outlined below:

1. through 3. No change.

~~4. The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner shall submit a completed application as provided in above subparagraph (1) upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, together with all items required pursuant to Section 479.07(3)(b), F.S. The For existing signs, the written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant is certifying shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed. If land use information is not provided in accordance with Section 479.024, F.S., but all other permit requirements are met, the Department shall classify the sign as non-conforming upon permit issuance.~~

(b) through (c) No change.

(13) Upon Department verification that an application meets the requirements of Chapter 479 and this rule chapter, the Department will issue an Outdoor Advertising Permit and a permit tag to the applicant.

~~(14)(5) Posting of Tags. The permanent metal permit tag issued by the Department must be posted at the sign site within 30 calendar days of issuing the sign permit and must remain in place at all times, whether or not a sign has been erected, or a previously erected sign has been removed. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 06/15 06/09, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05477> and shall include a replacement fee of \$12.00 per tag. Alternatively, the permittee may provide its own replacement tags pursuant to Section 479.07(5)(b), F.S., provided all of the fabrication specifications listed below are met.~~

~~(a) 6 inch x 12 inch constructed of durable material;~~

~~(b) Coated with 5-year white reflective sheeting;~~

~~(c) Embossed black text as follows:~~

~~1. The left vertical edge of the tag shall read FLA SIGN PERMIT in 5/8 inch characters;~~



2. The top horizontal alpha characters shall be embossed toward the FLA text and will be in 2 and 15/16 inch characters;

3. The vertical legend of three numbers located under the alpha characters shall be 2 and 15/16 inch characters.

(d) The letters and numbers of the replacement tag must be identical to the tag being replaced.

(e) When a permittee elects to provide its own tag, the permittee shall notify the Department that they will replace the tag within 30 days of notification that the tag is not properly displayed. The new tag shall be posted at the permitted location within 60 days of the department's notification.

(6) Transfer of Permits. Requests to transfer a permit pursuant to Section 479.07(6), F.S., shall be submitted on an Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 10/06, incorporated herein by reference.

(a) The recipient of the transferred permit shall certify that written permission from the landowner, or other person in lawful control of the sign site, to maintain the sign on the site pursuant to Section 479.07(2), F.S., has been secured.

(b) If a transfer of permit is made when the permit has been determined to be in violation of Chapter 479, F.S., or this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute a waiver of rights on the part of the Department, nor shall a permit transfer in any way prohibit the issuance of notices of violation, or preclude the Department from revoking the transferee's permit pursuant to Section 479.08, F.S., or this rule chapter.

(c) If a transfer of sign permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the sign permit subject to all conditions which were applicable to the original applicant.

(7) Cancellation of Permits. Permit cancellation notification must be submitted on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing.

(8) Conditional Permit Cancellation. When an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, shall be submitted simultaneously to the Department. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

(9) Permits Canceled, or Not Renewed, in Error—Petition for Reinstatement. Pursuant to Section 479.07(8)(b), F.S., a petition for reinstatement of permits canceled, or not renewed, in error shall be submitted to the State Outdoor Advertising License and Permit Office. The petition must be in writing, list the affected permit(s), and shall certify that:

(a) The permit was canceled, or not renewed, in error by the permittee;

(b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;

(c) The sign has not been disassembled; and

(d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.

(10) Reestablishment. Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permittee desires to reestablish the sign at a conforming location, the Department shall allow the reestablishment of the sign in conformance with the following:

(a) The permittee must submit a completed application for the reestablished sign site pursuant to Section 479.07(3), F.S.

(b) The reestablished sign site shall meet all current requirements for permitting.

(11) Relocation. Where a Department project causes a nonconforming sign to be located in the right of way, the Department shall allow the relocation of the sign provided all requirements of Sections 479.15(3), (4), (5), (6), F.S., are met. The relocated sign must be of the same materials, size and configuration as the original.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 245.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.11, 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06, 4-2-09, 10-3-10, \_\_\_\_\_.

#### 14-10.00401 Administration of Outdoor Advertising Permits.

(1) Transfer of Permits. Requests to transfer a permit pursuant to Section 479.07(6), F.S., shall be submitted on an Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 06/15, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05480>

(a) The recipient of the transferred permit shall certify

that written permission from the landowner, or other person in lawful control of the sign site, to maintain the sign on the site pursuant to Section 479.07(2), F.S., has been secured.

(b) If a transfer of permit is made when the permit has been issued a notice of violation, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department’s approval of a permit transfer shall not constitute a waiver of rights on the part of the Department, nor shall a permit transfer in any way prohibit the issuance of a notice of violation, or preclude the Department from revoking the transferee’s permit pursuant to Section 479.08, F.S., or this rule chapter.

(c) If a transfer of sign permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the sign permit subject to all conditions which were applicable to the original applicant.

(2) Cancellation of Permits. Permit cancellation notification must be submitted on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 06/15, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05478>. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing.

(3) Conditional Permit Cancellation. When an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. The Outdoor Advertising Permit Cancellation Certification incorporated in above subparagraph (2), and the Application for Outdoor Advertising Permit incorporated in Rule 14-10.004(1) shall be submitted simultaneously to the Department. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

(4) Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), F.S., a petition for reinstatement of permits canceled, or not renewed, in error shall be submitted to the State Outdoor Advertising License and Permit Office. The petition must be in writing, list the affected permit(s), and shall certify that:

(a) The permit was canceled, or not renewed, in error by the permittee;

(b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;

(c) The sign has not been disassembled; and

(d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$300.00 per permitted sign.

(5) Reestablishment. Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the sign cannot be relocated pursuant to Section 479.15(3)(4) and (6), the permittee may reestablish the sign at a location that conforms with Chapter 479, F.S. and this rule chapter and meets all current requirements for permitting by submitting a completed Application for Outdoor Advertising Permit, incorporated in Rule 14-10.004(1). Initial application fees are not required with an application for reestablishment.

(6) Relocation. Where a Department project causes a sign lawfully permitted by the Department to be located in the right of way, the Department shall allow the relocation of the sign provided all requirements of Sections 479.15(3), (4), (5), and (6), F.S., are met. A sign relocation shall be by agreement between the permit holder and the Department. The sign permit will be amended to reflect the relocated location in the outdoor advertising database.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02, 479.07, 479.15, FS. History—(Formerly part of Rule 14-10.004), New \_\_\_\_\_.

14-10.0041 Annual Renewal Billing – Licenses and Permits.

(1) All licenses and sign permits expire annually and shall be renewed pursuant to Section 479.07(8), F.S.

(2) Annual renewal of a license shall include the annual license fee, and the fees for all sign permits being renewed by the licensee. Acceptance by the Department of renewal fees for a suspended license or a sign permit against which a violation notice has been issued, or which may be issued, shall not constitute waiver by the Department of any right to pursue remedies for the violation.

(a) through (b) No change.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02, 479.07 FS. History—New 6-28-98, Amended 8-19-01, 10-3-10, \_\_\_\_\_.

14-10.0042 Denial, Suspension, or Revocation of Licenses, and Denial or Revocation of ~~or~~ Permits.

(1) If the Department intends to deny an application for a license or sign permit, deny reinstatement of a sign permit cancelled or not renewed in error, revoke a sign permit, or intends to suspend or revoke a license or sign permit, the Department shall provide, ~~by certified mail, return receipt requested, or by personal delivery with receipt~~, notice of the facts which warrant the action to the permittee. The written notice shall contain:

(a) ~~The particular~~ A detailed statement of the facts or basis for the Department’s action;

(b) The statute or rule relied upon;

(c) A statement that the applicant, licensee, or permittee has the right to an administrative hearing pursuant to Section 120.57, F.S.

(d) A statement that the Department’s action shall become conclusive and the final agency action and that the sign permit ~~or license~~ shall be denied or revoked, or the license shall be denied, suspended or revoked as indicated in the notice of intended action, if no request for a hearing is filed within 30 calendar days of receipt of the notice of the Department’s intended action.

(2) If a licensee fails to renew its license, or its license is revoked, any sign permits owned by the licensee shall become subject to revocation, pursuant to Section 479.08, F.S.

Rulemaking Authority 334.044(2), 479.02 FS. Law Implemented 120.60, 479.05, 479.08 FS. History–New 6-28-98, Amended 10-3-10,\_\_\_\_\_.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year. Licenses issued after October 1, shall not expire in the calendar year following the approval date.

(2) The annual permit fee for each sign facing is ~~\$51.00 for 200 square feet or less, and \$71.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.~~

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: ~~\$51.00 for each sign facing of 200 square feet or less; \$71.00 for each facing greater than 200 square feet;~~

(b) April 16 through July 15: ~~\$38.25 for each sign facing of 200 square feet or less; \$53.25 for each facing greater than 200 square feet;~~

(c) July 16 through September 30: ~~\$25.50 for each sign facing of 200 square feet or less; \$35.50 for each facing greater than 200 square feet;~~

(d) October 1 through January 15: ~~\$63.75 for each sign facing of 200 square feet or less; \$88.75 for each facing greater than 200 square feet.~~

(4) No change.

Rulemaking Authority 334.044(2), 479.02(7), 479.07(3)(c) FS. Law Implemented 215.34, 479.04, 479.07 FS. History–New 1-25-04, Amended 4-2-09,\_\_\_\_\_.

14-10.0052 Zoning Enacted Primarily to Permit Outdoor Advertising Signs.

(1) “Comprehensively Zoned Enacted Zoning” means a county or municipal government has adopted ordinances or other laws ~~adopted by the county or municipal government~~ pertaining to and designating the ~~currently~~ allowable uses of ~~parcels property~~ within its jurisdiction, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, F.S.

(2) If a parcel is in an area ~~Even if~~ comprehensively zoned enacted, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) The land use or zoning designation provides for limited commercial or industrial activity only as accessory, ancilliary, or incidental to the allowable ~~an incident to other primary land~~ uses.

(b) The commercial and industrial activities, separately or together, are permitted only by variance or waiver ~~special~~ exceptions.

(c) The ~~physical dimensions or other attributes of the affected parcel~~ will ~~would~~ not reasonably accommodate ~~traditional~~ commercial or industrial uses pursuant to Section 479.024(2)(b), F.S., and the area surrounding the affected parcel is not predominantly commercial or industrial.

(d) The parcel is within, or surrounded by, a larger area with non-commercial/non-industrial allowable uses.

(e) The parcel is part of a larger strip of comprehensively zoned land that is parallel to the highway with no active commercial or industrial activities, and no existing formal plans for commercial or industrial development.

(f) The parcel has no access roads or dedicated access.

(3) No single factor in above section 2 is determinative of whether zoning is enacted primarily to permit signs. If a combination of factors indicates that the zoning is enacted primarily to allow signs in areas that do not have the attributes of a commercial or industrial area, the zoning will not be recognized for purpose of permitting signs.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10), 479.024(2) FS. History–New 3-16-04, Amended 5-5-05,\_\_\_\_\_.

14-10.006 Permitting Criteria.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History–New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01, 12-31-06, 10-3-10, Repealed\_\_\_\_\_.

14-10.007 Maintenance of Nonconforming Signs.

(1) through (3) No change.

(4) A nonconforming sign may not be disassembled, collapsed, or in a state of being no longer erect and then re-erected at the same location ~~except as provided in paragraph (6)(a), below.~~

~~(5) A nonconforming sign may not be relocated, except to a conforming location.~~

~~(5)(6)~~ A nonconforming sign may continue to exist so long as it is not destroyed, abandoned, or discontinued. “Destroyed,” “abandoned,” and “discontinued” have the following meanings:

(a) through (b) No change.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9) FS. History—New 3-28-77, Amended 12-18-77, 1-1-86, Formerly 14-10.07, Amended 6-28-98, 8-10-99, 8-19-01, 11-27-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Jessee, Manager, Outdoor Advertising  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 25, 2014

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:      RULE TITLES:  
 14-40.003      Highway Landscape Projects  
 14-40.020      Grant Application Process  
 PURPOSE AND EFFECT: To clarify the provisions for requesting authorization to install, alter, or remove landscaping on Department right of way. To allow highway beautification grants to be used on areas outside Department right of way, provided it is visible to a state highway.  
 SUBJECT AREA TO BE ADDRESSED: Highway landscaping and beautification.  
 SUMMARY: Rule 14-40.003, F.A.C. is being revised to clarify the requirements for local governments, garden clubs, or abutting landowners to install, alter or remove landscaping on state highway right of way. Rule 14-40.020, F.A.C. is being revised to authorize matching highway beautification grants to be used for landscaping of local government property if the landscaping is visible to and would enhance the beauty of the state highways.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the rules do not impose an application or permit fee. Participation is voluntary.

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: 334.044(2), 337.2505, 337.405, 339.2405, FS.

LAW IMPLEMENTED: 334.044(26), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106, F.S.

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: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-40.003 Highway Landscape Projects.

(1) Department Authorization Required. Written authorization by the Department pursuant to this Rule is required for any person to alter, remove, or install landscaping ~~No landscaping may be altered, removed, or installed on the Department’s right of way by any person without written authorization by the Department pursuant to this rule chapter. Whenever All requirements for restoring the Department’s right of way and highway landscape projects, where such restoration is made necessary by the construction or maintenance of utilities causes the displacement of landscaping on the Department’s right of way, restoration will be conducted as are specified in the Utility Accommodation~~

*Manual*, incorporated by reference under Rule 14-46.001, F.A.C. Requests to remove, cut, or trim, vegetation that screens outdoor advertising signs for which outdoor advertising sign permits have been issued pursuant to Chapter 479, F.S., must be made in accordance with Rule 14-10.057, F.A.C. Part III of this rule chapter.

(2) Definitions.

(a) "Abutting Private Property Owner" means any person or non-governmental entity having lawful control of land which adjoins, or is contiguous to, Department non limited access right of way.

(b) through (h) No change.

(3) Approval Criteria.

(a) Approval is based on review of a complete set of landscape plans. The District Landscape Architect can be consulted during preparation of landscape plans. The following plan preparation guidelines must be used:

1. through 4. No change.

5. Landscape plans must include written specifications for materials and installation ~~that equal or exceed the requirements of Section 580 of the FDOT Standard Specifications for Road and Bridge Construction, January 1, 2007, incorporated herein by reference.~~

6. Landscape plans must include graphic installation details and demonstrate that lateral offsets and sight distances at intersections will not be adversely impacted. ~~that meet or exceed the requirements of Design Standard 544, Landscape Installation, of the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, 2008, incorporated herein by reference.~~

7. through 8. No change.

9. ~~Plans must document conformity with sight distance requirements prescribed in FDOT Design Standard 546, Sight Distance at Intersections, of the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, 2008, incorporated herein by reference. Plans must also document conformity with clear zone and horizontal clearance requirements prescribed in FDOT Design Standard 700, Roadside Offsets, of the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, 2008, incorporated herein by reference.~~

9.10. Plans prepared by or for Department highway landscape projects must be prepared by a person who meets meet the requirements of Chapter 481, Part II, F.S.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, F.S. This prohibition also applies to outdoor advertising signs ~~exempt from Department permitting requirements that are~~ on the state highway system, and located within incorporated municipalities and not required to obtain a Department permit pursuant to s. 479.07(1), F.S. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original state sign permit for the sign. For purposes of this rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

1. Screening is prohibited within an established a view zone.

2. When a landscape project is proposed within 1,000 feet approaching a permitted outdoor advertising sign ~~which does not have an approved application for vegetation management~~ the landscape architect designer of record will notify the sign permittee at the address provided in accordance with rule subsection 14-10.011(2), F.A.C., that the permittee has 30 days to submit an Application to Permit Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 09/07, incorporated herein, in accordance with Part III of this rule chapter, that proposes the specific location of a view zone. If an application is not submitted by the sign permittee within 30 days of notification, screening will be prohibited as described in paragraph 479.106(6)(b), F.S.

3. The limits of the screening prohibition may be adjusted to greater than or less than the dimensions provided in section 479.106(6)(b), F.S. pursuant to a written agreement between the Department, sign permittee, and a local governmental entity. Such agreement must be transferable to all future sign owners.

(c) A local governmental entity may request approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan. When public health, safety, and welfare, operation of the transportation system, or the quality of the environment may be jeopardized, the Department will require that plans be signed and sealed by a registered landscape architect. After review by the Department, and the making of any necessary revisions by the local governmental entity, the Department will prepare a written agreement requiring the local governmental entity to properly construct and maintain the landscape project, including the entire landscape irrigation system. The landscape plan will become an exhibit ~~Exhibit A~~ to the agreement. If separate, the maintenance plan as described in subparagraph (3)(a)86- will become an additional exhibit ~~Exhibit B~~ of the agreement. When the agreement is executed, and a Notice to Proceed is issued by the Department, the local governmental entity may proceed with the project.

(d) No change.

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 09/08, which is incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05493> and is available at ~~any Department Office or on the Department website~~ at: [www.dot.state.fl.us/projectmanagementoffice/beauty/beauty.shtm](http://www.dot.state.fl.us/projectmanagementoffice/beauty/beauty.shtm), [www.dot.state.fl.us/emo](http://www.dot.state.fl.us/emo). When public safety, operation of the transportation system, or the quality of the environment is jeopardized, the District Landscape Architect will require abutting private property owners to submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(f) through (g) No change.

(4) Government Approvals. If the proposed highway landscape project is to be located on an Interstate Highway facility, Federal Highway Administration (FHWA) review is required. Approval pursuant to this Part does not relieve the local governmental entity, non governmental entity, or abutting private property owner of local or other jurisdictional requirements.

(5) Installation and Maintenance.

(a) All landscape installation or maintenance activities performed by a local governmental entity, non governmental entity, or abutting private property owner on the Department's right of way must be performed in conformity with approved landscape plans.

(b) If a landscape project is proposed for a median or grassed area which is maintained pursuant to an agreement exists between the Department and a local governmental entity for the maintenance of an existing median and grassed areas for the section of roadway for which a landscape project is proposed, and if the Department determines that such agreement obligates the local governmental entity to maintain the median or grassed area proposed project in accordance with an the approved maintenance plan, the agreement will be applied to the maintenance of the landscape project. If the Department has previously agreed to provide funds for such maintenance, no increased compensation will be provided by the Department for maintenance of the landscape project.

(6) No change.

(7) Donation of Landscape Projects. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this rule. The donated landscape projects must substantially improve the appearance or manageability of the median or roadside. An agreement must be on file with the Department before installation of plants, materials, or signs. The agreement must stipulate that the sign and the landscape project may be removed by the Department for failure to meet the requirements of this Rule Chapter or the agreement. ~~An agreement must be on file with the Department for the area in question before placement of the sign.~~

(a) Signs acknowledging donated landscape projects by an individual or entity may be erected on the right of way, when the donation includes installation and maintenance or solely maintenance pursuant to an executed agreement. Such signs will remain in place for a term of five years, unless otherwise specified in the agreement. Signs recognizing donated landscape projects are a feature of the landscape project, not a traffic control device. Signs within the same local governmental jurisdiction should have a unifying theme represented through the sign appearance, design, fabrication, and installation and can include the local governmental jurisdiction logo as part of the sign design. The sign face must be non-retroreflective, have no moving parts, not be illuminated, and not contain commercial logos, business slogans, tag lines, telephone numbers, web addresses, or trademarks, or give the impression of promotional advertising. Color combinations or shapes that are similar to warning and regulatory signs are prohibited. Signs cannot interfere with any official traffic control device. Signs will be placed at each end of the landscape project. Any sign acknowledging donated landscape projects not meeting the requirement of this rule will be removed by the Department.

(b)(a) Interstate Highways: The sign acknowledging donation of landscape projects on the Interstate Highway System will be provided by the Department. This sign will be similar to the Adopt-a-Highway Program sign used by the Department, except that the word "landscaping" will be substituted for the words "litter control" and the colors will be green lettering on white background. The signs shall be installed and maintained by the Department.

(c)(b) Arterial Highways: The approved sign design for arterial highways is depicted in Figure 1. The rectangular sign panel will be no larger than 18 inches tall and 24 inches wide ~~with white background and green lettering, using lettering shown in Figure 1 and fabricated with non reflective materials.~~ Recommended text sizes and message are shown in Figure 1. The sign must be mounted on 4 inch by 4 inch pressure treated posts, or break away posts. The top of signs will be a maximum of no more than two feet above grade. Installation of signs is contingent upon an agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the local governmental entity. Signs will be placed according to the approved landscape plan.

Figure 1. No change.

Rulemaking Specific Authority 334.044(2), 337.2505, 337.405 FS. Law Implemented 334.044(26), 335.167, 337.2505, 337.405, 339.24, ~~339.2405~~, 479.106 FS. History - New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05, 2-8-06, 12-24-08, \_\_\_\_\_

14-40.020 Grant Application Process.

(1) No change.

(2) Definitions.

(a) No change.

(b) "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), F.S., or a local highway beautification council as established in accordance with Section 339.2405(9), F.S.

(c) through (e) No change.

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application Form 650-050-10, Rev. 5/15 01/04, incorporated herein by reference. ~~Copies of the grant application form and instructions for completing the grant application may be obtained from any Department Office \_\_\_\_\_ or \_\_\_\_\_ at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-05492> and available on the Department's website at [www.dot.state.fl.us/projectmanagementoffice/highwaybeautification](http://www.dot.state.fl.us/projectmanagementoffice/highwaybeautification).

(g) "Grant Coordinator" means the Department District employee responsible for the Council FHBC grant program.

(h) "Highway Beautification Project" means landscaping intended to enhance the attractiveness of roads on the State Highway System. Landscaping is to be installed on state highway right of way and may include property owned by a local governmental entity that abuts Department right of way, if the property is visible to the state highway system.

(3) Grant Application.

(a) No Change.

(b) The grant application deadline is October 1 for each ~~the next~~ fiscal year ~~which begins on July 1~~. When preparing a grant application, applicants should meet and work with the Grant coordinator ~~on~~ beginning three months or more in advance of the deadline, to give adequate time for review and revisions. Any incomplete or late filed applications will not be accepted. Because addendums, corrections, and edits will not be accepted after the application deadline, applicants are strongly encouraged to submit a draft application to the Grant Coordinator by September 1. Grant applications for highway beautification grants from the Council must be filed and processed in accordance with this rule chapter.

(c) ~~In order~~ For the Council to consider a grant application ~~for any the following fiscal year~~, ten paper copies, and one ~~or~~ electronic file copy ~~copies~~ of the completed grant application and supporting documents must be received by the Grant Coordinator by October 1. ~~When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the October 1 deadline.~~

(d) Applicants may submit an unlimited number of grant applications, for any number of project sites. The Grant Coordinator will note on the application if the applicant previously received Council grants and if previous projects were maintained in accordance with the terms of prior agreements.

(e) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant. A copy of such fully executed resolution or resolutions must be included with the application.

(f) Applicants are encouraged to submit grant applications for highway beautification projects supported with equal (50 percent) matching funds or in kind contributions from other sources. Design fees up to 10 percent of the grant amount may be considered towards the applicant's match.

Rulemaking Authority 339.2405 FS. Law Implemented 339.240 FS. History - New 1-19-99, Amended 11-22-01, 3-20-03, 8-10.03, 12-23-03, 2-8-06, 12-24-08, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jeff Caster, State Transportation Landscape Architect  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Jim Boxold, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 17, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: June 25, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:      RULE TITLES:  
 61D-2.024      Track General Rules  
 61D-2.025      Race General Rules  
 61D-2.026      Jai Alai Game General Rules  
 61D-2.027      Performances  
 61D-2.028      Jockey Requirements  
 61D-2.0281     Sulky Driver Requirements  
 61D-2.029      Qualifications of Horses to Start

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are as follows: to provide for uniform rules for the control, supervision, and direction of all applicants, permittees, and licensees for the holding, conducting, and operating of all race tracks, race meets and races held in this state; to provide rules for the requirements for specified pari-mutuel wagering occupational licenses; to provide reasonable rules for racing and jai alai events upon which tickets or other evidences of contribution to a pari-mutuel pool are offered for wagering; to provide rules for the welfare of racing animals; and to provide rules related to totalisator licenses and the commingling of pari-mutuel pools upon which intertrack and simulcast wagering is conducted.

SUMMARY: The subject areas to be addressed by these rules are general racing requirements, general jai alai game requirements, performances, jockey requirements, sulky driver requirements and qualifications for horses to start.

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.

A SERC is not required based on the review completed by the Division.

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

RULEMAKING AUTHORITY: 550.0251(3) FS.  
 LAW IMPLEMENTED: 550.0251 FS.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 20, 2015, 9:00 a.m.  
 PLACE: Department of Business and Professional Regulation, Northwood Centre Board Room, 1940 North Monroe St., Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Bryan Barber, bryan.barber@myfloridalicense.com, (850)717-1761. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bryan Barber, bryan.barber@myfloridalicense.com, (850)717-1761

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-2.024 Track General Rules.

(1) The permitholder shall notify the division in writing within three days of any changes to track dimensions or design.

(2) All racing permitholders shall maintain their track surfaces in a safe condition by removing all hazards that could harm a racing animal on any live performance day in accordance with its annual operating license or when the track is utilized for training.

(3) All quarter horse and thoroughbred tracks shall have an inner rail and an outer rail. Both rails shall be designed to collapse or break away when a contestant bumps, lunges or falls into the rail during normal training or racing. For turf courses, one of the rails may be moveable in order to maintain turf surface quality.

(4) All greyhound tracks shall have an inner rail and all harness tracks shall have an outer rail.

(5) A race track shall not require the racing animal to change its course in response to any obstacles on the racing surface during the race.

(6) All race tracks shall include a secure area for wagering and a live viewing location for the pari-mutuel activity.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.2415 FS. History—New \_\_\_\_\_.



61D-2.025 Race General Rules.

(1) Each race must have at least six entrants with a minimum of two contestants.

(2) Each race, with the exception of a harness race and a steeplechase race, must start by use of a box or gate.

(3) Each greyhound race:

(a) Must be conducted on a track that is at least 1,100 feet in length and at least 17 feet in width, inclusive of the chute; and

(b) Must not be shorter than 990 feet in length.

(4) Each quarter horse or any statutorily authorized substitute breed race other than thoroughbred conducted under a quarter horse permit:

(a) Must be conducted on a track that is at least 1,300 feet in length and at least 60 feet in width, inclusive of the chute; and

(b) Must not be shorter than 330 feet in length.

(5) Each thoroughbred race:

(a) Must be conducted on a track that is at least 4,000 feet in length and at least 60 feet in width, inclusive of the chute; and

(b) Must not be shorter than 3,200 feet in length.

(6) Each harness race:

(a) Must start by use of a rolling gate;

(b) Must be conducted on a track that is at least 3,300 feet in length and at least 80 feet in width; and

(c) Must not be shorter than 3,300 feet in length.

(7) All racing contestants must compete simultaneously on a common track with a common start and finish line.

(8) Any race that does not meet the requirements of this rule shall exclude the race from being counted as part of a performance.

(9) Horse races must be recorded by at least three video cameras.

(a) Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards' stand.

(b) Recordings of each race shall be maintained by the permitholder for at least six months from the last day of live racing as indicated by the annual operating license.

(c) Copies of race recording must be provided to the division upon request.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.235, 550.0251, 550.2415 FS. History—New

61D-2.026 Jai Alai Game General Rules.

(1) No person under 18 years of age shall be licensed by the division as a jai alai player.

(2) The permitholder shall notify the division in writing within three days of any changes to court dimensions or design.

(3) Jai alai permitholders shall maintain their court surfaces in a safe condition by removing all hazards that could harm a player on any live performance day in accordance with its annual operating license or when the court is utilized for practice.

(4) Jai alai games must be conducted on an indoor, three-walled court meeting the following requirements:

(a) The side wall must be at least 175 feet long and at least 35 feet in height;

(b) The front wall and back wall must be at least 35 feet in width and height;

(c) The front wall must be made of granite, and the other two walls and floor must be made of granite or gunite; and

(d) The fronton enclosure must be at least 20,000 square feet.

(5) Each jai alai game must be played to a minimum of seven points.

(6) Jai alai permitholders must utilize a rotational system of at least eight different players or teams.

(7) Jai alai player occupational license applicants must submit proof of 20 professional or amateur performances in order to demonstrate player competency.

(8) Any jai alai game that does not meet the requirements of this rule shall exclude the game from being counted as part of a performance.

Rulemaking Authority 550.0251(3), 550.105(3), (10)(a) FS. Law Implemented 550.0251, 550.105, 550.70 FS. History—New

61D-2.027 Performances.

(1) Permitholders may not conduct more than two performances during one operating day.

(2) Performances shall consist of a minimum of 8 races or games.

(3) A performance may not begin within 15 minutes from the end of the previous performance.

(4) A matinee performance shall not begin after 6:00 p.m. and evening performance shall not begin before 6:00 p.m.

(5) Each performance shall have a separation of race numbers and performance numbers in the totalisator system.

(6) Each performance shall have a separate racing or game program. Same day performances may be separated within a single program.

Rulemaking Authority 550.0251(3), 550.155(1), 550.3551(10), 550.495, 550.6305 FS. Law Implemented 550.0251, 550.155, 550.3551, 550.495, 550.6305 FS. History—New

61D-2.028 Jockey Requirements.

(1) No person under 18 years of age shall be licensed by the division as a jockey.

(2) A new applicant shall show competence to the stewards by the demonstration of riding ability. The demonstration of riding ability is defined at a minimum as:

(a) Breaking with a horse in company from the starting gate;

(b) Working a horse in company around the turn and down the stretch;

(c) Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive; and

(d) Causing a horse to switch leads coming out of the turn.

(3) The applicant shall submit written verification with their application from a majority of the stewards confirming compliance with paragraphs (2)(a) through (d) above.

(4) A jockey may be an owner, lessee or trainer of a horse competing in the race where the jockey is competing; provided that the jockey is riding his/her owned or leased horse in the race. Under no circumstances shall a jockey that is an owner, lessee or trainer of a horse in a race ride a horse other than a horse he/she owns or leases in that race.

(5) Each horse permitholder shall establish a scale of weights for jockeys to carry during a race which shall be published in the race program; however, the permitholder will not allow a horse to carry a total weight to exceed 135 pounds.

(6) Each permitholder shall maintain a copy of an affirmation of passed physical examination given within the previous twelve months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

(7) During the conduct of a pari-mutuel race, each jockey shall wear unique racing colors and white pants registered with the racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.

(8) The racing colors to be worn by each jockey in a race shall be described in the program, and any change shall be announced prior to the start of the race.

(9) Jockeys and exercise riders must wear a properly secured protective helmet, vest, and boots which have been specifically designed for horse racing when riding in races or when exercising horses.

Rulemaking Authority 550.0251(3), 550.105(3), (10)(a), 550.2415(12) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.2415 FS.History–New \_\_\_\_\_.

61D-2.0281 Sulky Driver Requirements.

(1) No person under 18 years of age shall be licensed by the division as a driver.

(2) Each driver must hold and maintain a valid and current driver’s license issued by the United States Trotting Association.

(3) A driver may be an owner, lessee or trainer of a horse competing in the race where the driver is driving; provided that the driver is driving his/her owned or leased horse in the race. Under no circumstances shall a driver that is an owner, lessee or trainer of a horse in a race drive a horse other than a horse he/she owns or leases in that race.

(4) Each permitholder shall maintain a copy of an affirmation of passed physical examination given within the previous twelve months by a licensed physician affirming fitness to participate as a driver. The stewards may require that any driver be reexamined and may refuse to allow any driver to ride pending completion of such examination.

(5) During the conduct of a pari-mutuel race, each driver shall wear unique racing colors and white pants registered with the racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.

(6) The racing colors to be worn by each driver in a race shall be described in the program, and any change shall be announced prior to the start of the race.

(7) Drivers must wear a properly secured protective helmet, vest, and boots which have been specifically designed for horse racing when riding in races or when exercising horses.

Rulemaking Authority 550.0251(3), 550.105(3), (10)(a), 550.2415(12) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.2415 FS.History–New \_\_\_\_\_.

61D-2.029 Qualifications of Horses to Start.

Before a horse is permitted to start, the racing secretary shall ensure that at least three published past performances, whether in races or workouts, are available to enable the public to make a reasonable assessment of the horse’s capabilities. At least one published performance must be from within 45 days of that race.

Rulemaking Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jonathan Zachem, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-4.004	Application for Annual Racing License
61D-4.005	Annual Notification of Permitholder Ownership Interest

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendments is as follows: to provide for uniform rules for the control, supervision, and direction of all applicants, permittees, and licensees for the holding, conducting, and operating of all race tracks, race meets and races held in this state; to provide rules for the requirements for applications for a new pari-mutuel wagering permit; to provide rules for the requirements for applying for an annual pari-mutuel license or an amendment of an annual pari-mutuel license.

**SUMMARY:** The proposed rule amendments provide guidelines for approval of operating licenses and amending operating dates.

**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.

A SERC is not required based on the review completed by the Division.

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

**RULEMAKING AUTHORITY:** 550.0251(3), 550.1815(5) FS.

**LAW IMPLEMENTED:** 550.054(12) FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** July 20, 2015, 9:00 a.m.

**PLACE:** Department of Business and Professional Regulation, Northwood Centre Boardroom, 1940 North Monroe Street Tallahassee, FL 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Bryan Barber, bryan.barber@myfloridalicense.com, (850)717-1761

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

61D-4.004 Application for ~~Annual Racing License and~~ Operating Dates.

(1) Any permitholder authorized to submit an application for an annual license to conduct races or games pursuant to Section 550.0115, F.S., shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for ~~Annual License and Operating Dates;~~ [https://www.flrules.org/gateway/reference.asp?NO=Ref-\\_\\_\\_\\_\\_01556](https://www.flrules.org/gateway/reference.asp?NO=Ref-_____01556), either Form DBPR PMW-3105, Surety Bond for Florida Pari-Mutuel Wagering, or provide continuation certificate; Form DBPR PMW-3080, Permitholder Calendar; [https://www.flrules.org/gateway/reference.asp?NO=Ref-\\_\\_\\_\\_\\_01557](https://www.flrules.org/gateway/reference.asp?NO=Ref-_____01557), and Form DBPR PMW-3190, Officers and Directors; [https://www.flrules.org/gateway/reference.asp?NO=Ref-\\_\\_\\_\\_\\_01558](https://www.flrules.org/gateway/reference.asp?NO=Ref-_____01558), all of which are effective \_\_\_\_\_ ~~9-12-12~~ and adopted herein by reference. The forms can be obtained at [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037. ~~The required forms shall be submitted during the period between December 15 and January 4 for performances to be conducted during the next state fiscal year.~~

(2) Any permitholder authorized to submit an application for an amendment to the annual license to conduct races or games pursuant to Section 550.01215, F.S., shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for License and Operating Dates; Form DBPR PMW-3080, Permitholder Calendar; and Form DBPR PMW-3190, Officers and Directors; adopted by reference in subsection (1) above.

(3) Once the annual operating license is issued, a minor amendment is an amendment to the license representing no more than 49 percent of the total performances from the current year's initial license. Adding or deleting the date of a scheduled performance will be calculated in the 49 percent maximum. If more than one amendment is requested on the same operating license, the requests will be aggregated to determine the 49 percent maximum.

(4)(2) Any request to amend racing dates submitted to the division shall include documentation from operating permitholders located within 50 miles of the applicant indicating whether they object to the issuance of an amended license.

(5) Objections from operating permit holders must include an estimated fiscal impact with supporting data regarding impacts on handle and revenue.

Rulemaking Authority 550.0251(2), 550.0251(3), 550.01215(2) FS. Law Implemented 550.0115, 550.01215, 550.5251, 559.79 FS. History--New 3-4-07, Amended 9-12-12, \_\_\_\_\_.

61D-4.005 Annual Notification of Permitholder Ownership Interest.

Every permitholder shall, within 45 days of the effective date of this rule and on or before July 31 of each year, submit to the division written notification of the following:

(1) If a corporation:

(a) The names, addresses, number of shares, and percentage of total shares of any shareholder holding five percent or more equity at the time of the first day of the previous fiscal year;

(b) A ledger that reflects ownership transfers of five percent or more of the stock for all times during the previous fiscal year; and

(c) The names, addresses, number of shares, and percentage of total shares of any shareholder holding five percent or more equity on the last day of the previous fiscal year.

(2) If a business entity other than a corporation:

(a) The names, addresses, and amount of ownership equity of any principals, partners, or shareholders holding five percent or more equity at the time of the first day of that fiscal year;

(b) A ledger that reflects ownership transfers of five percent or more equity of any principals, partners, or shareholders for all times during the previous fiscal year; and

(c) The names, addresses, and amount of ownership equity of any principals, partners, or shareholders holding five percent or more equity at the time of the last day of the previous fiscal year.

Rulemaking Authority 550.0251(3), 550.1815(5) FS. Law Implemented 550.054(12) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jonathan Zachem, Director

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Ken Lawson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 29, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: June 30, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

RULE NO.: RULE TITLE:

61K1-3.006 Contracts Between Manager and Participant

PURPOSE AND EFFECT: The Commission proposes to promulgate and adopt the new rule to update and incorporate Form BPR-0009-451 to reflect statutorily-mandated requirements.

SUMMARY: The new rule will update and incorporate Form BPR-0009-451.

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: 548.003 FS.

LAW IMPLEMENTED: 548.05, 548.056 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Waters, Executive Director, State Boxing Commission, 1940 N. Monroe Street, Tallahassee, Florida 32399-1016, (850)488-8500

THE FULL TEXT OF THE PROPOSED RULE IS:

61K1-3.006 Contracts Between Managers and Participants.

(1) All contracts entered into between a manager and a participant shall utilize Form BPR-0009-451, "Letter of Agreement Between Participant and Manager," revised 4/2015, adopted and incorporated herein by reference, which may be obtained from the Board office, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05437> or \_\_\_\_\_ at [http://www.myfloridalicense.com/dbpr/pro/sbc/documents/451\\_letter\\_of\\_agreement\\_part\\_and\\_man.pdf](http://www.myfloridalicense.com/dbpr/pro/sbc/documents/451_letter_of_agreement_part_and_man.pdf).

(2) Addendums which contain additional terms may be added to Form BPR-0009-451. Said additional terms may not conflict with Chapter 548, F.S., or any Commission rules. Rulemaking Authority 548.003 FS. Law Implemented 548.05, 548.056, FS. History— New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
State Boxing Commission  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: State Boxing Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 28, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: June 5, 2015

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### State Boxing Commission

RULE NO.: RULE TITLE:

61K1-3.026 Disciplinary Guidelines

PURPOSE AND EFFECT: The Commission proposes to promulgate and adopt the new rule to set forth disciplinary guidelines.

SUMMARY: The new rule will set forth disciplinary guidelines.

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: 548.003 FS.

LAW IMPLEMENTED: 548.071, 548.075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Waters, Executive Director, State Boxing Commission, 1940 N. Monroe Street, Tallahassee, Florida 32399-1016, (850)488-8500

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 61K1-3.026 Disciplinary Guidelines.

(1) When the commission finds any of the enumerated violations have occurred in disciplinary cases, it shall act in accordance with the guidelines set forth below. The commission shall impose the applicable penalty, unless it finds an aggravating or mitigating circumstance, in which case it may deviate from these disciplinary guidelines; otherwise, said guidelines shall be followed by the commission in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

#### **SEE PUBLISHED RULE FOR CHART.**

(2) Based upon consideration of the following factors, the commission may impose disciplinary action other than the penalties recommended above not to exceed a \$5000 fine and revocation:

- (a) Danger to the public;
- (b) Length of time since date of violation;
- (c) Number of complaints filed against the licensee;
- (d) Length of time licensee has practiced;
- (e) Actual damage, physical or otherwise, caused by the violation;
- (f) Deterrent effect of the penalty imposed;
- (g) Effect of the penalty upon the licensee's or registrant's livelihood;
- (h) Any efforts for rehabilitation;
- (i) Actual knowledge of the licensee or registrant pertaining to the violation;
- (j) Attempts by licensee or registrant to correct or stop violations or refusal by licensee or registrant to correct or stop violations;
- (k) Related violations against a licensee or registrant in another state, including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Actual negligence of the licensee or registrant pertaining to any violations;
- (m) Any other mitigating or aggravating circumstances.

(3) The provisions of subsections (1) through (2) above shall not be construed so as to prohibit civil action or criminal prosecution, and the provisions of subsections (1) through (2) above shall not be construed so as to limit the ability of the commission to enter into binding stipulations with accused parties as per Section 120.57(3), F.S.

(4) In every case in which the commission imposes a monetary fine, it shall also suspend the Respondent's license(s); however, to enable the Respondent to pay the fine, the suspension shall be stayed for the time period specified in the commission's final order. If the fine is paid within that time period, the suspension shall not take effect; if the fine is not paid within that time period, the stay shall expire and the suspension shall take effect. Thereafter, upon payment of the fine, the suspension shall be lifted.  
Rulemaking Authority 548.003 FS. Law Implemented 548.071, 548.075 FS. History— New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 State Boxing Commission  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Boxing Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 5, 2015

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.005      RULE TITLE: Inactive Registration  
**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 94, May 14, 2015 issue of the Florida Administrative Register.  
 The correction is in response to the letter received from the Joint Administrative Committee dated June 12, 2015.

The Notice of Change published in Vol. 41, No. 94, of the May 14, 2015 issue of the Florida Administrative Register was published in error.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12AER15-01      RULE TITLE: Florida Communications Services Tax Returns for Services Billed On or After July 1, 2015

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2015-221, L.O.F., provides that for communications services billed on or after July 1, 2015, the state portion of the Florida communications services tax rate for certain services is reduced 1.73 percent from 6.65 percent to 4.92 percent. The law allows a communications services dealer to collect a combined 5.07 percent tax rate comprised of the state tax rate of 4.92 percent and the additional gross receipts tax rate of 0.15 percent if the components of the tax collected are properly shown on the dealer's tax return. The state portion of the tax on direct-to-home satellite services is also reduced 1.73 percent from 10.8 percent to 9.07 percent. Section 15, Chapter 2015-221, L.O.F., authorizes the Department of Revenue, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by that act to s. 202.12, F.S. To provide communications services tax dealers and taxpayers who pay tax directly to the Department the necessary form changes to report and remit tax due on communications services beginning July 1, 2015, an emergency rule to incorporate updated tax returns ensures that the public is notified of these law changes by the most appropriate and expedient means. This emergency rule incorporates, by reference, Form DR-700016, Florida Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, effective July 2015.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized in Section 15, Chapter 2015-221, L.O.F., the promulgation of an emergency rule by the Department to provide forms and instructions to report and remit tax due on communications services billed on or after July 1, 2015. The promulgation of this emergency rule, incorporating by reference forms used to report and remit Florida communications services tax and local communications services tax, ensures that the public is notified by the most appropriate and expedient means regarding changes to the tax returns used by the Department for properly reporting the components of the tax collected on the return.

SUMMARY: Emergency Rule 12AER15-01, F.A.C. (Florida Communications Services Tax Returns for Services Billed On or After July 1, 2015), incorporates, by reference Form DR-700016, Florida Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, effective July 2015, to allow taxpayers to report tax due on communications services billed on or after July 1, 2015.

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:

12AER15-01 Florida Communications Services Tax Returns for Services Billed On or After July 1, 2015.

(1) This rule supersedes paragraph subsections (2), (4), and (5) of Rule 12A-19.100, F.A.C.

(2) Effective July 1, 2015, subsection (2) of Rule 12A-19.100, F.A.C., is revised and the following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates as indicated:

09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007 – August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
07/15	July 2015 -	July 1, 2015 -
01/15	January 2015 - June 2015	January 1, 2015 - June 30, 2015
01/14	January 2014 – December 2014	January 1, 2014 – December 2014
01/13	January 2013 – December 2013	January 1, 2013 – December 31, 2013
07/12	July 2012 – December 2012	July 1, 2012 – December 31, 2012
01/12	January 2012 – June 2012	January 1, 2012 – June 30, 2012
07/11	July 2011 – December 2011	July 1, 2011 – December 31, 2011
01/11	January 2011 – June 2011	January 1, 2011 – June 30, 2011
08/10	August 2010 – December 2010	August 1, 2010 – December 31, 2010
01/10	January 2010 – July 2010	January 1, 2010 – July 31, 2010
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008

(3) Effective July 1, 2015, Form DR-700016, Florida Communications Services Tax Return (R. 07/15), is hereby incorporated by reference as paragraph (4)(a) of Rule 12A-19.100, F.A.C. Current paragraphs (a) through (mm) are renumbered to (b) through (nn). No further changes are made to these paragraphs.

(4) Effective July 1, 2015, Form DR-700019, Communications Services Use Tax Return (R. 07/15), is hereby incorporated by reference as subsection (5) of Rule 12A-19.100, F.A.C.

(5) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) calling the Department at (800) 352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at (800) 955-8770 (Voice) and (800) 955-8771 (TTY).

This rule shall take effect on July 1, 2015.

Rulemaking Authority 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7), 213.06(2), FS, s. 15, Ch. 2015-221, L.O.F. Law Implemented 202.11, 202.12, 202.13(2), 202.151, 202.16(1), (2), (4), 202.17, 202.19(1), (7), 202.22(6), 202.27, 202.28, 202.29, 202.30(3), 202.33, 202.34, 202.35(1), (2) FS., ss. 2, 9, 15, Ch. 2015-221, L.O.F. History—New 7-1-15.

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: July 1, 2015

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Building Commission

RULE NO.: RULE TITLE:

61G20ER15-1 Effective Date for Blower Door and Mechanical Ventilation Requirements.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Commission finds that the Petition itself holds the proof of a danger to the health, safety, and welfare. The Commission finds that there is an economic impact to homeowners who will experience increased costs without this emergency rule, as demonstrated in testimony presented to the Commission on June 19, 2015. As explained in the Petition, there will be an estimated direct additional cost of conducting blower door testing of \$200 to \$300 per house for approximately 30,000 to 50,000 Florida homes per year if the blower door provision is implemented at this time. The Petition also explains that the implementation of the blower door test will also trigger the need for additional mechanical ventilation, potentially resulting in a cost of \$300 to \$2,500 per house for approximately 30,000 to 50,000 Florida homes per year and creating the potential for energy loss in these homes if the mechanical ventilation standards are liberally applied.

The Commission finds that the greater portion of the industry has not had a chance to get the proper training to comply with these requirements of the Florida Building Code, 5th Edition, which causes harm to the contractors and other tradesmen who are regulated by the Code as well as the citizens of Florida who will incur additional costs as contractors and other tradesmen are learning to implement these new requirements.

The Commission finds that the June 19, 2015, meeting testimony shows that, as it exists today, there are sick environments and houses are too airtight when the requirements at issue in this emergency rule are met. Both testimony and the Petition demonstrate that bringing Florida's humid outside air into homes via additional mechanical ventilation can cause environmental health and indoor air quality issues for residents of the State of Florida, which presents a danger to the health, safety, and welfare of the public.

The Commission has identified that there is a demonstrated need for more time to study these issues and correct these issues before more harm is caused to the citizens of the State of Florida whose new homes must comply with these requirements.

There is insufficient time to correct the issue through standard rulemaking without emergency rulemaking because the 5th Edition of the Florida Building Code will become effective on June 30, 2015.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Commission provided substantial notice to the public regarding the emergency rulemaking. The Commission properly noticed its June 19th meeting on June 1st, 2015 in the Florida Administrative Register. The June 1st notice included in its description of the meeting that the Commission would consider, among other items, "relief regarding fire service access elevator and blower door test issues." The Commission also listed the Petition for Emergency Rulemaking, the Amended Petition for Emergency Rulemaking, and the supplement to the petition on its meeting agenda, which was properly and timely posted to the Commission's website. The online agenda also included a link to these documents. During the June 19, 2015 meeting, the Commission accepted further testimony and public comment regarding the proposed emergency rule. The rule's limited scope and the exigent circumstances presented to the Commission mitigate any perceived shortcomings related to notice. The emergency rule is a minimal procedural administration change that does not prohibit anyone from applying the new standard or his or her



current business model. The emergency rule only has a permissive effect that permits additional activities under the 5th Edition of the Florida Building Code. It is necessary to address this issue as an emergency rule because of the implementation timeline of the 5th edition of the Florida Building Code. The Code becomes effective on June 30, 2015, which would not allow the Commission to address the issue through traditional rulemaking.

**SUMMARY OF THE RULE:** The emergency rule delays the effective date for blower door and mechanical ventilation requirements. Section 69, Chapter 2015-222, Laws of Florida, which becomes effective on July 1, 2015, addresses the underlying issues that are the subject of this emergency rule.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Mo Madani, Program Manager, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1825

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

61G20ER15-1 Effective Date for Blower Door and Mechanical Ventilation Requirements. Notwithstanding the Florida Building Code, mandatory blower door testing and mechanical ventilation for residential buildings or dwelling units are not required during the period of time that this emergency rule is in effect. Rulemaking Authority 553.73, 553.76 FS. Law Implemented 553.73, 553.76 FS. History—New 6-30-15.

**THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.**

**EFFECTIVE DATE:** June 30, 2015

**EXPIRATION DATE:** July 1, 2015

**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 5, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code from Falafel Time located in Ft. Lauderdale. 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 service area.

The Petition for this variance was published in Vol. 41, No. 116, F.A.R., on June 16, 2015. The Order for this Petition was signed and approved on June 23, 2015. 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: Bianca.Kirkland@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 1, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), F.A.C., and Section 5-203.13, 2009 FDA Food Code from Falafel Time located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater, and

facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to install holding tanks at the handwash sink and share the warewashing sink within another licensed food service establishment under the same ownership and on the same premise.

The Petition for this variance was published in Vol. 41, No. 117, F.A.R., on June 17, 2015. The Order for this Petition was signed and approved on June 23, 2015. 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; potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure the handwash and 3-compartment sinks are provided with hot and cold running water under pressure; the handwash sink must be provided with soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure that the three-compartment sink within Daytona International Speedway Neighborhood 4 Area 47, 49 and 50 (license pending approval) is maintained in a clean and sanitary manner and are available during all hours of operation. If the ownership of Daytona Intl Speedway Neighborhood 4 Area 47, 49, and 50 (Americrown Service Corporation) changes, a signed agreement for use of the shared facilities is required immediately.

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

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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 1, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), F.A.C., and Section 5-203.13, 2009 FDA Food Code from Daytona International Neighborhood 7 & 8 Grill 1, 2, and 3 located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater, and facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to install holding tanks at the handwash sink and share the warewashing sink within another licensed food service establishment under the same ownership and on the same premise.

The Petition for this variance was published in Vol. 41, No. 117, F.A.R., on June 17, 2015. The Order for this Petition was signed and approved on June 23, 2015. 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; potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure the handwash and 3-compartment sinks are provided with hot and cold running water under pressure; the handwash sink must be provided with soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure that the three-compartment sink within Daytona International Speedway Neighborhood 4 Area 47, 49 and 50 (license pending approval) is maintained in a clean and sanitary manner and are available during all hours of operation. If the ownership of Daytona Intl Speedway Neighborhood 4 Area 47, 49, and 50 (Americrown Service Corporation) changes, a signed agreement for use of the shared facilities is required immediately.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NO.: RULE TITLE:

61K1-1.013 Judge; License and Duties (Transferred)

The State Boxing Commission hereby gives notice that the petition filed by Carlos Sucre on October 1, 2014, seeking a variance or waiver from Rule 61K1-1.013(2)(a)2., F.A.C., in regards to the requirement that the application for a professional judge licensure must include a certification from the executive director attesting that the applicant has completed the unofficial scoring of a minimum of 350 rounds of professional boxing or kickboxing held in this state and is in good standing, has been withdrawn by telephonic request at the meeting held on October 17, 2014. The Notice of Petition was published in Vol. 40, No. 193, of the October 3, 2014, issue of the Florida Administrative Register.

The person to be contacted regarding this petition is: Paul Waters, Executive Director, State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-8.0011 Standard Terms Applicable to Orders

The Board of Medicine hereby gives notice that on June 29, 2015, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed on behalf of Pierre Puente, M.D., on April 27, 2015, seeking a waiver from sub-subparagraph 64B8- 8.0011(7)(b)2.d., F.A.C., with regard to the 20-mile geographic proximity for Petitioner’s monitoring physician during the probationary period. The Notice was published in Volume 41, No. 82, of the Florida Administrative Register, on April 28, 2015. The Board, at its meeting held on June 5, 2015, voted to grant the Petition for Waiver or Variance, finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-8.0011 Standard Terms Applicable to Orders

The Board of Medicine hereby gives notice that on June 29, 2015, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed on behalf of James A. Yelton-Rossello, M.D., on April 21, 2015, seeking a waiver from sub-subparagraph 64B8-8.0011(7)(b)2.d., F.A.C., with regard to the 20-mile geographic proximity for Petitioner’s monitoring physician during the probationary period. The Notice was published in Volume 41, No. 79, of the Florida Administrative Register, on April 23, 2015. The Board, at its meeting held on June 5, 2015, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.0141 Standards for Telemedicine Practice

NOTICE IS HEREBY GIVEN that on June 29, 2015, the Board of Medicine, received a petition for waiver or variance filed on behalf of Eli Kolp, M.D., Mark Sylvester, M.D., and Florida Center for Integrative Telepsychiatry and Telepsychotherapy, Inc., from Rule 64B8-9.0141, F.A.C., with regard to the prescribing of controlled substances through the use of telemedicine. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-13.001 Continuing Education for Biennial Renewal

NOTICE IS HEREBY GIVEN that on June 24, 2015, the Board of Osteopathic Medicine, received a petition for waiver or variance filed by Robert P. Poetz, D.O., from Rule 64B15-13.001, F.A.C., with regard to the requirement for biennial renewal CME to be in live lecture format. Comments on this petition should be filed with the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christy Robinson, Executive Director, Board of Osteopathic Medicine, at the above address or telephone: (850)245-4161.

## Section VI Notice of Meetings, Workshops and Public Hearings

### DEPARTMENT OF LEGAL AFFAIRS

The Department of Legal Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: July 30, 2015, 10:00 a.m. – 1:00 p.m.

PLACE: Via webinar originating in Tallahassee

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida New Motor Vehicle Arbitration Board, 2015 New Board Member Training.

Persons interested in joining the webinar can obtain access information from: Kairi Sisask, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050, phone: (850)414-3500, ext. 4494, email: kairi.sisask@myfloridalegal.com.

A copy of the agenda may be obtained by contacting: Kairi Sisask at (850)414-3500, ext. 4494.

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: Kairi Sisask at (850)414-3500, ext. 4494. 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: Kairi Sisask at (850)414-3500, ext. 4494.

### DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 14, 2015, 2:30 p.m. – 4:30 p.m.

PLACE: Conference call: 1(888)670-3525, passcode: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Planning/Coordination Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 9, 2015, 5:00 p.m. – 6:00 p.m., CT

PLACE: Mexico Beach Civic Center, 105 North 31st Street, Mexico Beach

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning the replacement of the Bayou Bridge on 36th Street in Mexico Beach. The meeting will be held Thursday, July 9, 2015 from 5:00 p.m. until 6:00 p.m. (CT) at the Mexico Beach Civic Center, 105 North 31st Street, Mexico Beach.

The intent of this project is to replace the low level 36th Street Bayou Bridge with a new structure. Construction is anticipated to begin winter 2017. The bridge will be closed during construction; however, traffic will be maintained along a detour route.

Enclosed for your review is a copy of the meeting handout. Your comments are welcome and appreciated. Maps, drawings, and other information will be on display. There will be no formal presentation; however, representatives from FDOT will be available to discuss proposed improvements, answer questions, and receive comments.

Should you have any questions regarding the proposed project or this meeting, contact William Barber, P.E., at the number above or via email at william.barber@dot.state.fl.us. You may also contact Ian Satter, District Public Information Director, toll-free: 1(888)638-0250, extension 1205 or at ian.satter@dot.state.fl.us.

A copy of the meeting handout may be obtained by contacting: William Barber, P.E., FDOT Project Manager toll-free: 1(888)638-0250, extension 1612.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact William Barber, P.E., FDOT Project Manager toll-free: 1(888)638-0250, extension 1612, at least seven 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).

**DEPARTMENT OF ELDER AFFAIRS**

The Department of Elder Affairs, Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, July 13, 2015, 10:00 a.m., ET  
 PLACE: Conference call: 1(888)670-3525, conference code: 962-076-0613

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 General update on department programs.

A copy of the agenda may be obtained by contacting: Jo Morris at (850)414-2000, morrisj@elderaffairs.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 72 hours before the workshop/meeting by contacting: Jo Morris. 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: Jo Morris, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2000, morrisj@elderaffairs.org.

**DEPARTMENT OF MANAGEMENT SERVICES**

Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 8, 2015, 10:00 a.m.  
 PLACE: Conference call: 1(888)670-3525, passcode: 9988442611, followed by the # key

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Discussion of the Florida Civil Rights Hall of Fame nomination and scoring process.

A copy of the agenda may be obtained by contacting: Casey.snipes@fchr.myflorida.com or (850)907-6785.

ACCESS POINT: The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

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: Casey.snipes@fchr.myflorida.com or (850)907-6785.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Alcoholic Beverages and Tobacco

**RULE NO.: RULE TITLE:**

61A-3.0141 Special Restaurant Licenses

The Department of Business and Professional Regulation announces a workshop to which all persons are invited.

DATE AND TIME: July 13, 2015, 9:00 a.m.  
 PLACE: Professions Board Room, Department of Business and Profession Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The license requirements for special restaurant licenses.

A copy of the agenda may be obtained by contacting: Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street; Tallahassee, FL 32399-1020, (850)717-1118, renita.walton-hayes@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Professional Engineers

The Florida Board of Professional Engineers Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 14, 2015, 8:30 a.m.  
 PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Although this meeting is open to the public, the Probable Cause Panel meeting may be closed consistent with law. If you wish to participate in any public portion of the Probable Cause Panel Meeting, please contact Rebecca Sammons at least 48 hours prior to the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee and/or Educational Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2015, 1:00 p.m. and if needed after the conclusion of the FBPE Rules Committee Meeting on July 15, 2015

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 15, 2015, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 24, 2015, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on the recommendations from the Application & Educational Advisory Committee to approve or deny applications for licensure and any old or new business of the Board. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114, at least 48 hours prior to the date of the meeting. The call in number: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

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

DATE AND TIME: Monday, July 13, 2015, 2:30 p.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

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

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, (407)481-5662. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

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

DATE AND TIME: Tuesday, July 14, 2015, 8:30 a.m., ET; meeting will reconvene Wednesday, July 15, 2015, 8:30 a.m., ET

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Official business of Commission – topics include, but are not limited to, proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2 rule discussion, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at [lori.crawford@myfloridalicense.com](mailto:lori.crawford@myfloridalicense.com) or Mike Davis at [michael.davis@myfloridalicense.com](mailto:michael.davis@myfloridalicense.com).

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

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

DATE AND TIME: July 14, 2015, 10:00 a.m.

PLACE: Department of Health, Tallahassee: 1(888)670-3525, pass code: 9908086106

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850)245-4125. 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**

Council of Licensed Midwifery

The Council of Licensed Midwifery announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 13, 2015, 9:00 a.m.

PLACE: 1(888)670-3525, conference code: 3608975369

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

General business of the council. Meetings may be cancelled prior to the meeting date. Please check the Council website at <http://www.floridahealth.gov/licensing-and-regulation/midwifery/index.html> for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Christy Robinson, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Daisy King at (850)245-4588. 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: Daisy King at (850)245-4588.

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#### DEPARTMENT OF HEALTH

Division of Environmental Health

The Florida Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: July 8, 2015, 10:00 a.m.– 3:00 p.m.

PLACE: Reedy Creek Improvement District Admin. Building, 3rd Floor, 1900 Hotel Plaza Blvd., Lake Buena Vista, FL 32830

Public may participate by toll-free telephone: 1(888)670-3525; enter participant passcode: 2535563929#

Parking in AAU lot only, 1910 Hotel Plaza Blvd.

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

This bimonthly meeting of the Public Swimming Pool and Bathing Place Advisory Review Board is for the Board to recommend agency action on variance application requests.

A copy of the agenda may be obtained by contacting: Mr. August Ursin; FL Dept. of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Mail Bin A08, Tallahassee, FL 32399-1710, by email: [august.ursin@flhealth.gov](mailto:august.ursin@flhealth.gov) or by telephone: (850)245-4444, ext. 2716.

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: Mr. Ursin, contact information is listed above. 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. Ursin, contact information is listed above.

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#### FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: July 8, 2015, 2:00 p.m.

PLACE: Closing Room B, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329

The meeting will also be accessible via phone: 1(888)339-2688, participant code #: 865 265 07

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

Florida Housing Finance Corporation was appropriated \$10 million in grant funds by the 2015 Legislature for housing for Persons with Developmental Disabilities as defined in Section 393.063, F.S. This Request for Applications (RFA) intends to make \$7 million of that funding available for financing the construction of small Permanent Supportive Housing Developments that are either Community Residential Homes or Supported Living Units. The Community Residential Homes may serve no more than six (6) residents and the Supported Living Units may serve no more than eight (8) residents.

A copy of the agenda may be obtained by contacting: Jean Salmonsens at (850)488-4197.

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: Jean Salmonsens at (850)488-4197. 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.

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#### DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2015, 9:00 a.m., Cancelled

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

Notice is hereby given to CANCEL meeting for Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review.



A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

**METRIC ENGINEERING, INC.**

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 14, 2015, 5:00 p.m. – 6:00 p.m., CDT

PLACE: Parker United Methodist Church, 908 South Tyndall Parkway, Panama City, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Florida Department of Transportation (FDOT) invites you to attend a public meeting concerning proposed improvements to State Road (S.R.) 30A (U.S. 98) from east of County Road 2327 (Transmitter Road) to S.R. 30 (U.S. 98B). The meeting will be held Tuesday, July 14, from 5:00 p.m. to 6:00 p.m. CDT, at Parker United Methodist Church, 908 South Tyndall Parkway, Panama City. Proposed improvements include milling and resurfacing of the existing roadway, sidewalk construction where none previously exists, minor drainage improvements, modifying existing pedestrian features, and other minor safety upgrades. Additional right-of-way is required to construct this project. FDOT anticipates beginning construction fall 2017.

A copy of the agenda may be obtained by contacting: John Fowler, P.E., FDOT Project Manager, toll-free: 1(888)638-0250, extension 1450 or by email: john.fowler@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: John Fowler, P.E., FDOT Project Manager, toll-free: 1(888)638-0250, extension 1450. 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: John Fowler, P.E., FDOT Project Manager, at the email address listed above. You may also contact Ian Satter, District Three Public Information Director, at 1(888)638-0250, extension 1205 or via email: ian.satter@dot.state.fl.us.

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**Section VII**  
**Notice of Petitions and Dispositions**  
**Regarding Declaratory Statements**

NONE

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**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

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

NONE

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

NONE

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

**DEPARTMENT OF JUVENILE JUSTICE**

ITN 10210 Collocated Residential Prog. for boys, 24 high/24 nonsecure, with DD and BDD services in NW Region  
 ITN 10210 - The Department is seeking two (2) co-located residential programs for a twenty four (24) bed high risk residential program and a twenty four (24) bed nonsecure residential program for boys. The services also include slots for Developmental Disability and Borderline Developmental Disability services. The program is to be located in the Northwest Region. All public meetings for this ITN are advertised on the Vendor Bid System at: [http://www.myflorida.com/apps/vbs/vbs\\_www.ad\\_r2.view\\_ad?advertisement\\_key\\_num=121136](http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=121136).

**AREA AGENCY ON AGING FOR NORTH FLORIDA  
Older Americans Act Request for Proposals  
REQUEST FOR PROPOSALS**

Competitive sealed proposals will be received by the Area Agency on Aging for North Florida until 3:00 p.m., ET on September 4, 2015 to agencies interested and qualified to provide services to older adults under the Federal Older Americans Act Titles III-B: supportive services, and III-C1 & III-C2: nutritional services in: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and Washington Counties. Prospective sources must be established and have current or previous experience in providing services to older adults. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc. anticipates duration of not more than one year with two, one-year renewal options, pending continued funding availability. Responsibilities include, but are not limited to: Coordination of transportation to meal sites and for recreational activities; Provision of interactive recreational activities; Assistance in linking older adults to appropriate aging resources; Coordination and participation in

on-going outreach and public education activities; Coordination and provision of some in-home services for frail elders, based on needs identified through formal needs assessment activities; Coordination and provision of nutrition education and nutrition counseling; Delivery of meals to eligible clients in the counties listed above; and Provision of meals to at least one congregate meal site in the counties listed above.

All services must be provided in accordance with established guidelines set forth by the State of Florida Department of Elder Affairs Programs and Services Handbook, dated July 2015, and contracts between the Area Agency on Aging for North Florida, Inc. and State of Florida Department of Elder Affairs.

The proposal package and application instructions may be obtained by contacting the Area Agency on Aging for North Florida contact listed below on July 13, 2015 or thereafter at the correspondence address listed below. The Area Agency on Aging for North Florida reserves the right to reject any and all proposals.

Every entity that intends to submit a proposal must deliver the required Notice of Intent Form, included as Appendix III in the RFP package, to the Area Agency on Aging for North Florida, Inc. at the correspondence address provided below by 3:00 p.m. on Friday, August 7, 2015. In the event that less than two Notices of Intent are received per county, the Area Agency on Aging for North Florida will institute the Exceptional Purchase (as defined in Section 287.012, Florida Statutes) provisions provided for by Chapter 287, Florida Statutes for a single source contract. In which case no response to Request for Proposals shall be needed, and the Agency will proceed under the single source provisions of Section 287.057, Florida Statutes.

Any person who is adversely affected by the Agency decision or intended decision shall file with the Agency a notice of protest in writing within 72 hours after the posting of the notice of decision or intended decision. With respect to a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest shall be filed in writing within 72 hours after the posting of the solicitation. The formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this chapter. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and state holidays shall be excluded in the computation of the 72-hour time periods provided by this paragraph.

Any entity that protests the intended decision pertaining to the Exceptional Purchase shall be required to post, at the time of filing a formal written protest, a bond in the amount equal to 1 percent of the estimated contract amount for the Exceptional Purchase pursuant to Section 287.042, Florida Statutes.

Correspondence concerning this Request for Proposals should be addressed to:

Area Agency on Aging for North Florida, Inc.  
 Attention: Lisa Bretz  
 2414 Mahan Drive  
 Tallahassee, Florida 32308  
 Email: lisab@aanf.org

A Bidders Conference will be conducted concerning this Request for Proposals at 10:00 a.m., ET on July 31, 2015. Interested parties are encouraged to attend the Bidders Conference at the following location:

Area Agency on Aging for North Florida, Inc.  
 2414 Mahan Drive  
 Tallahassee, Florida 32308

“If you are a person with a disability who needs any accommodation in order to participate in this conference, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Dottie Hinkle, at Area Agency on Aging for North Florida, Inc., telephone no.: (850)488-0055 at least 7 days before the scheduled conference, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

## Section XII Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid

### State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan for the County Health Department Reimbursement Plan. The amendment reflects technical and editorial changes to remove obsolete language, changes to the payment methodology for county health department services and buy-back provisions as authorized in the General Appropriation’s Act for State Fiscal Year 2015-2016. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$85,216 in federal funds for FFY 2014-15 and \$255,648 in federal funds for federal fiscal year (FFY) 2015-16. The effective date for this amendment will be July 1, 2015. A more detailed description of the proposed changes will be published in the Florida Administrative Register in the notice of rule development.

Interested parties may contact the following staff for further information: Rydell Samuel, Medicaid Program Finance, located at 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, by telephone: (850)412-4103 or by email: rydell.samuel@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid

### State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan. The amendment reflects technical and editorial changes to remove obsolete language, changes in the payment methodology, and buy-back provisions for services in facilities, not publicly owned or operated, for Intermediate Care Facility for Individuals with Disabilities as authorized in the General Appropriation’s Act for State Fiscal Year 2015-2016. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$260,747 in federal funds for federal fiscal year (FFY) 2014-15 and \$782,241 in federal funds for FFY 2015-16. The effective date for this amendment will be July 1, 2015.

A more detailed description of the proposed changes to the payment methodology will be published in the Florida Administrative Register in the notice of rule development.

Interested parties may contact the following staff for further information: Rydell Samuel, Medicaid Program Finance, located at 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, by telephone: (850)412-4103 or by email: rydell.samuel@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid

### State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan for the Hospital Inpatient Reimbursement Plan. The amendment reflects technical and editorial changes to remove obsolete language, and changes to the payment methodology for hospital inpatient services as authorized in the General Appropriation’s Act for State Fiscal Year 2015-2016. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$31,525,114 in federal funds for federal fiscal year (FFY) 2014-15 and \$94,575,341 in federal funds for FFY 2015-16. The effective date for this amendment will be July 1, 2015. A more detailed description of the proposed changes will be published in the Florida Administrative Register in the notice of rule development.

Interested parties may contact the following staff for further information: Rydell Samuel, Medicaid Program Finance, located at 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, by telephone: (850)412-4103 or by e-mail: rydell.samuel@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid

State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan for the Long Term Care Reimbursement Plan. The amendment reflects technical and editorial changes to remove obsolete language and includes buy-back provisions as authorized in the General Appropriation's Act for State Fiscal Year 2015-2016. This amendment to the State Plan will have an expected decrease of \$9,481,019 in federal funds for federal fiscal year (FFY) 2014-15 and \$28,443,057 in federal funds for FFY 2015-16.

The effective date for this amendment will be July 1, 2015. A more detailed description of the proposed changes will be published in the Florida Administrative Register in the notice of rule development.

Interested parties may contact the following staff for further information: Thomas Parker, Medicaid Program Finance, located at 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, by telephone: (850)412-4110 or by email: thomas.parker@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid

State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan for the Outpatient Hospital Reimbursement Plan. The amendment reflects technical and editorial changes to remove obsolete language, changes to the payment methodology for outpatient hospital services and buy-back provisions as authorized in the General Appropriation's Act for State Fiscal Year 2015-2016. This amendment to the State Plan has an expected negligible fiscal impact, if any. The effective date for this amendment will be July 1, 2015. A more detailed description of the proposed changes will be published in the Florida Administrative Register in the notice of rule development.

Interested parties may contact the following staff for further information: Rydell Samuel, Medicaid Program Finance, located at 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, by telephone: (850)412-4103 or by email: rydell.samuel@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
State Revolving Fund Program

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTICE

Daytona Beach Shores, Florida

The Florida Department of Environmental Protection (DEP) has determined that the City of Daytona Beach Shores' project involving upgrades to gravity collection system piping, force main piping, manholes, and lift stations, as well as the addition of a new 30-inch subaqueous force main crossing under the Halifax River to the Daytona Beach wastewater treatment plant is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$5,767,106. The project may qualify for a Clean Water State Revolving Fund (CWSRF) loan comprised of federal or state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by contacting: Pankaj Shah, CWSRF gram, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000, (850)245-2962, Pankaj.shah@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Office of the Secretary

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments is available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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

**INDEX TO RULES FILED BETWEEN JUNE 22, 2015**  
**AND JUNE 26, 2015**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS****Southwest Florida Water Management District**

40D-3.037	6/22/2015	7/12/2015	41/04	41/90
40D-3.041	6/22/2015	7/12/2015	41/04	
40D-3.045	6/22/2015	7/12/2015	41/04	
40D-3.060	6/22/2015	7/12/2015	41/04	41/90
40D-3.492	6/22/2015	7/12/2015	41/04	
40D-3.507	6/22/2015	7/12/2015	41/04	41/90
40D-3.517	6/22/2015	7/12/2015	41/04	41/90
40D-3.531	6/22/2015	7/12/2015	41/04	

**AGENCY FOR HEALTH CARE ADMINISTRATION****Cost Management and Control**

59B-12.001	6/22/2015	7/12/2015	41/57	
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**DEPARTMENT OF MANAGEMENT SERVICES****Division of Retirement - Local Retirement**

60T-1.001	6/26/2015	7/16/2015	41/65	
60T-1.002	6/26/2015	7/16/2015	41/65	
60T-1.003	6/26/2015	7/16/2015	41/65	

**Commission on Human Relations**

60Y-2.005	6/22/2015	7/12/2015	41/69	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-620.100	6/24/2015	6/24/2015	41/104	
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**AGENCY FOR STATE TECHNOLOGY**

74-1.001	6/26/2015	7/16/2015	41/75	41/108
74-1.002	6/26/2015	7/16/2015	41/75	41/108
74-1.003	6/26/2015	7/16/2015	41/75	41/108
74-1.004	6/26/2015	7/16/2015	41/75	41/108
74-1.005	6/26/2015	7/16/2015	41/75	41/108
74-1.006	6/26/2015	7/16/2015	41/75	41/108
74-1.007	6/26/2015	7/16/2015	41/75	41/108
74-1.008	6/26/2015	7/16/2015	41/75	41/108